

**TOWN OF ESSEX
DEVELOPMENT REVIEW BOARD
MINUTES
JANUARY 16, 2025**

FULL MEETING VIDEO CAN BE VIEWED AT:

https://www.youtube.com/watch?v=QtAnpSvR1_4&list=PL6J-DqAq2zEMJgai7p2exGadu3SRosNS3&index=14&pp=iAQB

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; Stephanie Bixby, Clerk; Hubert Norton; Nick Martin; Dustin Bruso; and Trefor Williams.

DRB ABSENT: None.

OTHERS PRESENT IN ROOM: Kent Johnson, Planner; Bryan Currier; Al Senecal; Patty Davis; Pam Schriener; Scott Lee; David Lee; Colleen Lee; Andrew Seaver; and David Goodrich.

OTHERS VIRTUALLY: Sharon Kelley, Zoning Administrator; Rachael Lizotte; Lisa Allen; Thomas Titas; Nick Ovitt; and Lisa Goodrich.

AGENDA ITEM 1: CALL TO ORDER: Chairman Carroll called the meeting to order at 6:00 p.m.

AGENDA ITEM 2. ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA: The DRB approved the agenda as warned.

AGENDA ITEM 4: PUBLIC TO BE HEARD: Patty Davis, 9 Hillside Circle Essex, VT, read the following statement into the record:

Our neighborhood is facing a grave inequity! Back in December 13, 2023, the Select Board agenda meeting packet showed a paragraph that admitted they re-routed semi trucks from Route 15 to our Town highway, bisecting a well established medium zoned neighborhood. Residents complained at a public to be heard meeting 1 month prior and asked the chair to remove the overweight permit sign from our road and place it where Route 15, a state highway enters Allen Martin Drive which is closest to the industrial park. This decision by our Town Officials has imposed an inequitable environmental burden on our families, disrupting our peaceful environment, increasing harmful diesel air pollution, and creating harrowing safety hazards to pedestrians and multi-modal users. Many are aging or are differently abled, young in strollers with racially diverse parents who have no place to walk along this town road because semi trucks do not give them enough room on the road. There is a white line and only 10 inches or so before hitting a curb, so biking is an awful experience. We deserve to live without fear of environmental harm and without the threat of losing the

APPROVED APRIL 3, 2025

sanctity of their homes. This is not just a matter of inconvenience, not having sidewalks, or negotiating crumbling ones; it is an issue of justice, equity, and basic human dignity. We ask that our Town officials reconsider this decision of re-routing trucks to use from Route 15, and re-route the back to Route 15 until the alternate route is 100% complete. We ask that our Town officials ensure that all our residents in this residential zone, regardless of their economic status or ability to speak out, are protected immediately from these harmful practices. Thank you.

AGENDA ITEM 5: PRELIMINARY PLAN Allen Brook Development – Preliminary review of a 6-lot subdivision of Parcel B within the Saxon Hill Industrial Park. Access will be provided via a new 30' wide curbed road off of River Road (currently Kimo Drive). The property is located at 75 Thompson Drive, Parcel ID 2-072-008-000, located in the Industrial (I) district.

Chairman Carroll provided the oath to the public and to those attending via Zoom.

Kent Johnson, Planner, spoke on this application. He stated that because of the formation of a DRB, and that the applicant was caught with a continued preliminary review process with the Planning Commission, time ran out. Therefore, the applicant withdrew its application and resubmitted a new preliminary application with the DRB. Johnson made the following comments:

- If Preliminary approval is granted, the DRB should expect a site plan application and a boundary line adjustment with the final subdivision application. Johnson explained that the abutting neighbors do not have road frontage off Kimo Drive, and the boundary adjustment would provide road frontage to them off the newly approved road. Johnson also noted that the landowner has a tenant for one of the newly created lots (to be known as 132 Thompson Drive) and they will be submitting a site plan application.
- Johnson stated the proposal included a 6 lot subdivision, with 5 new developable lots and the remaining lands will be its own lot until future development is proposed. A proposed new 60' public road will replace the private drive and will connect to VT 117.
- He referred to Line 440 in the Staff Report and highlighted that there are no red flags with the project and he has no particular concerns. He questioned if the location of the new road and utilities were located in the right spot.
- He referred to Line 458 of the Staff Report regarding street trees. He pointed out that there was a stretch of road where it is important to make sure the trees as located in the correct spot, being either in the Town right-of-way, or outside the right-of-way. He believed this decision can come at final review.
- He referred to Line 465 of the Staff Report regarding the design of the new street, which will be reviewed at final submission, to include, design vehicle uses; travel lane width; design speed; identification of curves that cannot accommodate the speed or result in vehicle off-tracking outside the travel lane; and verification of a section of road confirming that it will not result in a "broken back" curve.
- He recommended that a shared 10' wide path be required instead of the proposed 5' concrete sidewalk.

- He referred to Finding 8 (Line 498), wherein it lists several items required by Public Works that need to be addressed at Final application.

Chairman Carroll asked if Finding 3, Line 458, regarding street trees, could be addressed before final review. A lengthy discussion ensued between the DRB, staff and the applicants. Johnson advised that the roadway cross sections provided on Sheet 9 may not allow for trees to be planted in the Town's right-of-way or placed on private property as alternately allowed per SR 3.4(C)(1).

DRB Member Williams asked if the roadway was super elevated and what the speed limit would be on this road. Applicant's engineer, Bryan Currier replied that the roadway would have a normal crown and he felt the State would likely post the speed at 25 m.p.h., noting large trucks would be utilizing this road.

Bryan Currier, P.E. and Al Senecal spoke on this application. Currier provided a brief history of Senecal purchasing the property, in 2009, which included a pre-existing lawsuit from the previous owner, regarding a sand extraction project. As a result, Senecal worked with the Town to settle the lawsuit. Currier noted that part of the Settlement included the eventual connection of Thompson Drive to VT 117. He described the portion of the public road to be built from VT 117 to past the subject parcel under review. Currier showed on the plan where the applicant planned to build a portion of the public road; and noted that the water could come down to the site from Thompson Drive. Currier noted that a future Phase 3, consisting of approximately 2,000 feet, will connect the road to Phases 1 & 2. Currier explained that the boundary adjustment was to dedicate a strip of land to the neighbor so that they will change from a graveled access to a paved road and have road frontage on the new road.

Al Senecal provided a brief explanation of the lawsuit that he inherited when he purchased the land from Hector LeClair. He informed the DRB that he and the Town settled the lawsuit with Senecal gifting approximately 300+/- acres to the Town and with Senecal being able to create and develop additional commercial lands. Senecal reported that he is negotiations with the Town for land swap considerations as he recently purchased lands from Warren Palmer. This could result in gifting the town with an additional 200-acres +/-.

Regarding the proposed Conditions, Currier made the following points:

- Condition 1 – no issues.
- Wetland impacts – they will need a state wetland permit as there are a few small portions of wetlands on haul road crossings.
- Regarding street trees – he noted that there are aware of the 50' buffer requirement and proposed the same method that was done on Corporate Drive and Thompson Drive, which was to clear out the 50' buffer to allow for construction and replant the buffer with trees and/or shrubs, swales, etc. Currier noted that at the last Planning Commission meeting, the Commission wanted the planting method to be consistent with how other lots were built out.
- He requested that street trees be omitted in a section where the sidewalk could be pinched to the curb.

Board Member Norton noted that the steep design of a section of the road makes it difficult to

install street trees. Norton noted that Public Works will not want trees in the ROW as the trees eventually become the Town's responsibility. Norton also noted that the applicant stated that the easement for the road is locked-in and it cannot be shifted.

Currier reminded the DRB that the land under discussion is not residential, rather industrial lands.

Currier stated that they would work with Public Works on Condition #4 regarding design vehicle used; travel lane width; design speed; identification of curves; and verification of curves.

Senecal informed the DRB that previous discussions with the PC included discussion about the Fire Chief being satisfied with the existing fire roads as long as they are plowed and maintained year-round. Currier noted that the applicant would also build a turn-around for the Fire Department.

Board Member Bruso stated that he is speaking for himself, however he wants the entire road connection from Thompson Drive to VT 117 built as a condition of this approval. He was agreeable to a timeline, however wanted it sooner rather than later. Bruso felt that this project would multiply the truck traffic significantly. He asked the applicant, "What is the trigger for gain to the community?" Currier replied that when Phase 3 is submitted, it has to include the connection from Kimo Dr (VT 117) to the existing connection to Thompson Drive. Kent Johnson suggested building the full road might be more road than what is needed at this time, "and may not be used for years." Johnson reminded the DRB that the applicant agreed to construct a turn-around for the fire department.

Senecal repeated that he is working with the town on land swaps so that he can gain frontage on the road that he is required to build. Senecal stated that this will facilitate development and allow him to provide the DRB with a better timeline. Senecal stated that the cost to build the portion of road he is proposing is astronomical.

Board Member Bruso pressed for a timeline when the proposed road would have full connection as he believes connectivity is needed now due to the traffic on Sand Hill Road. Bruso felt it was awkward to reply that connectivity will occur when they get to a certain point of development. Senecal replied that his project under review will be putting traffic onto River Road (VT 117). Bruso asked the applicant again for a defined timeline when the full road would be built out and asked 3-5 years; 5-10 years?

Senecal took exception to this question as he stated he could not yet define that until he gets some answers from the Selectboard on a possible land swap. He stated that he is now getting a demand to build the full road, noting that the section he is proposing to build is going to cost him 4 million dollars and it will cost another 4 million dollars to build the full road, with no lots that he can build on to get his investment back.

Senecal also stated that he is hopeful the town will consider a land swap so that he can get the road to full build out. Senecal was frustrated and stated that he has been asking the Planning Commission, for several years, to consider adding uses in the RPD-I zone, as this

would help him to attract clients to come to the area. Senecal stated that he has been trying to invest into the Essex community and has brought in over millions of dollars of revenues and felt that this shows his reputation and that he is investing in the town he lives in.

Board Member Bruso stated that he is agreeable to approve preliminary application, but that might not hold at final plan review as he wants to see the full road build out. Bruso also stated that he is but one voice on the DRB.

Kent Johnson asked Senecal if he was advocating just for himself. Senecal replied that he was advocating for the whole town. Johnson stated that there are three typical cross sections for the road and noted that the DRB needs to be mindful of the habitat as construction occurs. Board Member Zukowski noted that the property is in a Resource Preservation District. Johnson replied that it is also in the Industrial zone.

Senecal stated that the district was a 40/60 split, which resulted with him gifting 240 acres to the Town. He was frustrated because currently people continue to create trails on his portion of lands and come to believe they own the land. DRB Member Zukowski stated both parties benefited from the Settlement. Senecal pointed out that he could have built on the 240 acres that he gifted to the town.

Board Member Norton asked if some of the lands purchased from Palmer are part of the swap. Senecal replied yes. Currier noted that these lands are in the R2 and I1 Zones. Board Member Bruso repeated that he is comfortable to approve at preliminary application but wants to see the applicant's intentions for the full road construction in the final application.

A discussion ensued regarding the proposed 5' wide concrete sidewalk. Johnson stated that the Town would prefer 10' wide asphalt shared use path. Currier stated that a 5' bituminous path has been consistent with Allen Martin Drive and Thompson Drive and is not in the PW Specifications.

Board Member Bixby stated that she would like to see continuity with the paths. A brief discussion ensued on the path. Board Member Zukowski stated the path is not consistent, but it is a start. Johnson stated that the path should be brought up to current standards. Board Member Bixby asked if that expense would be on the Town. Currier stated that they may be agreeable with an 8' recreation path, however asked that the path pinch to the curb side in the area of difficulty (he pointed out the location on the plan.) Senecal reported that it would cost an additional \$350,000 to go from a 5' wide path to an 8' wide path. He asked if the Town would contribute to that expense.

Board Member Norton asked if the road could be shifted to avoid the pinched area. Currier replied that they have a secured easement with the neighbor, and it cannot be relocated.

Chairman Carroll asked if it was possible to create a 5' wide path along the curb and then expand to 8' at the top.

Board Member Norton asked if they would be taking out more material than bringing onto the

site. Currier replied that usually nets and fills haven't been asked for by the town or the state. Senecal stated that there will be some onsite storage of materials and some potential for some material taken off site.

Board Member Bruso Moved and Board Member Bixby Seconded a Motion to open the Public Hearing. The Motion passed 7-0.

Patty Davis, Hillside Circle, felt the applicant has been generous on the sidewalk/path proposal and noted her husband is a biker. She reported that she walks her dog around Saxon Hollow and someone has observed Glavel truck traffic on Sand Hill Road from 10:00 p.m. to 6:00 a.m.

Rachel Lizotte, 2 Sage Circle, Essex, VT, stated that she has enjoyed the conversations even though it is hard to understand. She believes the ability to have Kimo Road sooner rather than later is better in order to get truck traffic off Sand Hill Road. She asked if the discussion on the potential prison solve some of the problems with traffic. She believed if the applicant wants 10 years before a full road build out, it that would be a detriment to the town.

An unidentified person asked how the intersection would work. Currier stated that the intersection would require a state permit and that was issued two weeks ago.

In reply to Board Member Norton, Currier replied that a full build out would require a left turn lane, however that won't be installed right away.

Chairman Carroll asked if VTrans is looking at No. Williston Road. Currier replied that is an Act 250 process with the State.

The DRB voted to close the Public Hearing. The Motion passed 7-0.

Board Member Bruso Moved and Board Member Bixby Seconded a Motion to approve the Preliminary application as warned and including the following changes:

Finding 7, Line 438, add:

- The DRB prefers an 8' asphalt path be installed.
- The DRB approves a waiver for the 50' buffers on the developments to allow for clear cutting the scrub and then using that buffer for infrastructure for water retention
- THE DRB requires a consistent streetscape be shown for the entire road.

Add a Condition to read, "The applicant shall include a state wetland permit prior to the issuance of a zoning permit.

Amend Condition 3 to read, *Specific Street tree requirements shall be addressed when each subdivided parcel seeks site plan approval. The DRB approves a waiver to allow clear cut the 50' buffer to accommodate the construction of a stormwater drainage swale and planting landscape on the proposed lots. All parcels shall follow a consistent streetscape planting. The applicant shall submit a Street Tree Plan for Public Work's approval on the 2,000 foot section coming from VT 117.*

282 Amend Condition 4 to read:

283 *Per SR 3.5(A)(1), the applicant shall provide in their final application information*
284 *regarding the design of the new street including the following:*

285 *a. Design vehicle used*

286 *b. Travel lane width*

287 *c. Design speed*

288 *d. Identification of curves, if any, that cannot accommodate the design speed and/or*
289 *would result in the design vehicle off-tracking outside of the travel lane*

290 *e. Verification that the short tangent section of the ROW in the vicinity of 19+50 to*
291 *21+00 will not result in a “broken back” curve*

292 *The applicant shall work with Public Works to discuss the travel lane width, as requested*
293 *by the applicant, and the design speed.*

294
295 Amend Condition 5 to read, *The applicant shall work with Public works regarding the broken*
296 *curved section of the road and its alignment.*

297
298 Condition 6: Change to read, *The DRB supports the installation of an asphalt path as*
299 *approved by Public Works.*

300
301 Condition 8c, Line 510, add to the end of the sentence, *or as otherwise approved by Public*
302 *Works.*

303
304 **Board Member Norton made a Friendly Amendment to add the following to Condition**
305 **5, as follows:** *The applicant shall work with Public Works to address the alignment condition*
306 *of the road in the particular area of concern.*

307
308 **Board Members Bruso and Board Member Bixby** accepted the Friendly Amendment.

309
310 **Board Member Martin made a Friendly Amendment to add the following to Condition**
311 **4b. & c., to read,** *The applicant shall work with Public Works to discuss the travel lane*
312 *width as requested by the applicant and the design speed.*

313
314 **Board Members Bruso and Board Member Bixby** accepted the Friendly Amendment.

315
316 **The MOTION passed 7-0.**

317
318 **AGENDA ITEM 6: REVIEW AND APPROVE OPERATING PROCEDURES.**

319
320 **Chairman Carroll Moved and DRB Member Bixby Seconded a Motion to approve the**
321 **Rules of Procedures and Conflict of Interest Policy, which included proposed**
322 **changes. The Motion passed 7-0.**

323
324 **AGENDA ITEM 7: APPROVE JANUARY 2, 2025 MINUTES:**

DRB Member Bruso Moved and DRB Member Martin Seconded a Motion to approve the minutes, with the following changes:

Line 13: Change "PC" to "DRB".

Line 32: Add a new sentence to read, "Board Member Norton nominated Sharon Zukowski as she is a person who has not been a member in the past, however she has attended many past development review meetings and is familiar with the Regulations and process.

Line 45: Change "6-0" to "4-2".

The Motion passed 7-0.

AGENDA ITEM 8: OTHER BUSINESS: None.

The meeting adjourned at 8:31 p.m.

DEVELOPMENT REVIEW BOARD

By:

Ian Carroll, Chair

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