

**TOWN OF ESSEX
DEVELOPMENT REVIEW BOARD
DRAFT MINUTES
MARCH 6, 2025**

FULL MEETING RECORDING CAN BE VIEWED AT:

<https://www.youtube.com/watch?v=feCpZjMJ3wk&list=PL6J-DqAq2zEMJgai7p2exGadu3SRosNS3&index=12>

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

DRB VIRTUALLY: Sharon Zukowski, Vice-Chair and Trefor Williams.

OTHERS PRESENT IN ROOM: Kent Johnson, Planner; Sharon Kelley, Zoning Administrator; John Stuart; Ken Heco; Bryan Currier; David Skopin; Phil March; Lynn & George Reynolds; Paula Duke; Nicole Senecal; Al Senecal and Community T.V.

OTHERS VIRTUALLY: Jessica & Steve Chappel; Taylor ?; Nate Wagner; Thomas Titus; Ken Signorello; Dave Gagnon; Graham Tidman; and Thomas Titus.

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

AGENDA ITEM 2. ADDITIONS/ CHANGES: Chairman Carroll Moved and DRB Member Martin Seconded a Motion to flip Agenda Items 5 & 6 on the Agenda. The Motion passed 7-0.

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

AGENDA ITEM 4: PUBLIC TO BE HEARD: Chairman Carroll stated that comments or questions relating to the Consent Agenda will remain on the 'Public to be Heard' portion of the meeting, as well as any other public comments for items not on the Agenda. There were no public comments regarding the Consent Agenda.

David Skopin, 11 Skyline Drive, Essex, VT, expressed his continued concern regarding the proposed development in Pinewood Manor. He has noticed that applications still come in with proposals pushing forward to develop in slopes greater than 20%. Skopin noted that staff has said these applications should be denied. He asked what he needs to know regarding breaking the rules. He asked if the DRB does a site visit, can the public attend. Sharon Kelley reported that site visits are warned and the public can attend. Chairman Carroll replied that nothing was before the DRB for this meeting regarding the Pinewood application. Skopin noted that the applicant made changes to the acreage, with less development. DRB Member Bruso stated that the Pinewood application is still open and the

APPROVED APRIL 3, 2025

DRB cannot engage on this application at this hearing. DRB Member Norton stated that the DRB will not respond directly to the questions and the DRB will not say correct or incorrect to characterizations.

Sharon Kelley called out some minor changes to the Consent Agenda item. Kent Johnson noted that the DRB has an opportunity to require a habitat connectivity, although it is not a requirement. He stated the Conservation and Trails Committee also suggested same.

*Note Agenda Item 5 below Item 6.

AGENDA ITEM 6A: FINAL PLAN-KENAN HECO Final Plan – Kenan Heco proposes a 4-lot minor subdivision located at 9 Colonel Page Road (Parcel ID 2-014-036-000) in the Agricultural Residential (AR), Floodplain Overlay (O2) and Scenic Resource Preservation Overlay (SRPO) districts. The proposed 4-lot subdivision consists of Lot 1 with the existing house and barns (7.76 acres); Lot 2 for a proposed single household dwelling (3.03 acres); Lot 3 for a proposed single household dwelling (4.13 acres); and Lot 4 not presently for development (45.4 acres).

Kent Johnson, Planner spoke on this application. He noted the proposal was a 4-lot subdivision on a private drive. Lot 1 includes the existing house and barn and is 7.76 acres; Lot 2 is proposed at 3.03 acres; Lot 3 is proposed at 4.13 acres and Lot 4 holds the remaining 45.5 acreage with potential of future development. Johnson noted that the applicants provided a Master Plan showing potential development of 4 additional lots, proposed as a PUD, in the future.

John Stuart and Ken Heco presented the application. Stuart made the following points:

- The proposal is to create 4 lots with the existing house being known as Lot 4 and will after the subdivision will retain 45+/- acres; 2 new lots proposed on Colonial Page Road, will share a driveway, each will have a drilled well and a mound system, already approved by the State Wastewater Division, was issued.
- He noted on the east/west corridor, the plan shows a 24 ft wide AG easement, which allows for animals to access.
- The plans depict existing tree lines which were preserved for aesthetics.
- He pointed out that there are 5 existing trees on two of the proposed lots and they are proposed to stay in place.
- Stuart agrees with the Conservation and Trail's comments.

DRB Member Norton asked about Finding 9 regarding the 30' culvert. Stuart responded that the intent of the culvert was all for the driveway.

DRB Member Norton asked if a state permit would be required for this project. Stuart responded that if the impervious surface went over 0.5 acres, they would need a state permit. Stuart verified that the application is under the threshold requirement.

Stuart requested Conditions 10, 11, & 18 be deleted as they do not apply to this application.

DRB Member Norton noted to delete the following on Line 274 of the Staff Report “and water application.”

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

Jessica Chapel thanked the applicant for preserving the tree line and questioned how a new culvert would work. Ken Heco stated that there will be no change to water and they were just expanding the existing culvert.

Board Member Bruso asked the applicant if the project meets the scenic view requirements as there was much discussion when Lot 1 came in for a review by a previous owner. Johnson provided photos of the area; noted the houses were far away from the road and they stayed within the intent of the scenic overlay. He noted that you can see the houses but the applicant situated them within an acceptable area. Bruso asked about a previous conservation easement for Lot 1. Johnson stated that he looked into it, however it was not required.

DRB Member Zukowski asked about the view corridor photos. DRB Member Bruso asked if it was a potential rendering. Stuart stated that the plan shows houses outside the view corridor and that won't change, noting that the photos show that clearly and there will be no visual impact to the scenic vista. Johnson showed the photos on the overhead projector. DRB Member Bruso was not satisfied as he felt the scenic aspect has not been well represented. Stuart stated the houses were positioned so that they would not block a view and also noted that tall trees stood in front of the property so the proposal would not block any views.

DRB Member Norton asked if the homes were near the proposed driveway. Stuart said yes. Bruso accepts that the footprints are out of view, but other components have not been stated. He asked if the houses would be 2 stories. Heco replied all will be 1 story.

Jessica Chappel, an abutter, confirmed that the houses will not block the view.

DRB Members Martin, Bixby, Norton and Williams have no issues with the scenic area. DRB Member Zukowski agreed with Bruso.

Paula Duke, stated that proposals should verify the height at which it is seen.

DRB Member Bruso stated that he would like to have more detail, not just for the view, but the layout as well. He noted that he cannot support the application without more information. Kent Johnson provided photos of the parcel and stated that the applicant's proposed to put the houses as far away as possible from the road, noting that they stayed within the intent of the scenic requirements.

Board Member Bruso Moved and Vice-Chair Zukowski Seconded the Motion to continue the application to the next available date with a site visit in advance of the

meeting. The Motion passed 5-2 (DRB Members Martin and Williams voted no.)

AGENDA ITEM 6b: FINAL PLAN Allen Brook Development – Final review of a 5-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 132 Thompson Drive (a/k/a 75 Thompson Drive, Parcel ID 2-072-008-000, located in the Industrial (I1) Zoning District.

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

- 4 new lots are proposed with the 5th lot being the remaining lands.
- A new public road will run down to VT 117 (River Road).
- He referred to Line 164 of the Staff Report which lists the two options for the full road connection timeline. Option 1, close the sand pit project, which currently allows for at least 10 more years of extraction; and Option 2, renegotiate the Settlement Agreement with management.
- He described a 3rd option, as noted in the Staff Report, which was to escrow money as each new lot is built upon.
- He explained that the waiver granted for the 50' buffer at the previous meeting was done in error as the request was during the subdivision process and should be at site plan review.

DRB Member Norton asked if there were any outstanding conditions from the previous sand extraction. Sharon Kelley replied that all conditions were met. She noted that one section of reclamation took a few attempts to reclaim as the trees did not survive due to the sandy soils.

DRB Member Zukowski liked the escrow idea and asked what happens if the applicants don't agree.

DRB Member Bruso Moved and DRB Member Martin Seconded a Motion to Open the Public Hearing. The Motion passed 7-0.

Taylor ?? asked who owns the left turn lane on Route 117. Sharon Kelley replied that VT 117 is a state road. Taylor asked how much of the turn lane they would own. Bryan Currier replied that the turn lane must stay within the state owned right-of-way and the State will maintain its road. Taylor asked if the road could be situated in a different location. Currier replied that they would need to move the brook, which would not be permitted.

Bryan Currier & Al Senecal spoke on behalf of this application and made the following points:

- Public Works wants zero street trees in the curbed section of the proposed road.
- They plan to hydroseed from the project site down to VT 117.
- They were able to smooth out the curve in the road.
- The intent of the 50' buffer waiver was to provide symmetry to the lots.
- In response to potential timelines for Phase 3, he stated that they are working with the Manager and staff on the Settlement Agreement and noted that they can't start Phase

3 until the sand pit is closed. Currently that is 10 years.

- He noted that if they can come to an agreement with administration on a future land swap, the road could be completed in 2-3 years.

DRB Member Norton asked what/when the expectation for a land swap would occur. Carrier did not know the answer and stated that it would be up to the Selectboard.

Al Senecal described the lands he was willing to swap and further gift to the Town, which currently has established (rogue) trails.

DRB Member Norton was surprised the State does not ask for cut fill as it has bearing on truck traffic. Carrier replied that only a typical cross section is required by Public Works.

Carrier noted that an Irrevocable offer of Dedication will be given to the Town, along with an easement.

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

Board Member Bruso Moved and Board Member Bixby Seconded a Motion to approve the application for 132 Thompson Drive, with the following changes:

Strike Conditions 2, 5, 8 & 18.

Condition 6: Strike the last sentence.

Condition 10 to read, "A 20-foot easement for the construction of the water line through to the proposed development from the drive to the new development shall minimize tree cutting."

Condition 37: Change to read, "Overhead powerlines shall be extended on Palmer Lane and Kimo Drive and all other services servicing the individual lots shall be install underground.

The MOTION passed 7-0.

AGENDA ITEM 6: APPROVE JANUARY 16, 2025 & FEBRUARY 6, 2025 MINUTES

Board Member Bruso Moved and Board Member Norton Seconded a Motion to approve the January 16, 2025 minutes with the following changes:

Line 108-109: Replace to read, "DRB Member Williams asked if the roadway was super elevated and what the speed limit would be on this road. Applicant's engineer, Bryan Burrier 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."

Line 202: Relace "three" with "typical".

Line 203: Replace "across" with "for".

Line 204: After "Resource" add "Preservation - Industrial".

Line 312: Replace "Bixby" with "Lavigne".

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

The Motion passed 7-0.

AGENDA ITEM 8: OTHER BUSINESS: None.

The meeting adjourned at 9:41 p.m.

DEVELOPMENT REVIEW BOARD

By: _____

Ian Carroll, Chair

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