

TOWN OF ESSEX
PLANNING COMMISSION DRAFT MINUTES
MAY 13, 2021

Note: This was a virtual meeting on Teams.

PLANNING COMMISSION (PC) PRESENT: Dustin Brusco, Chair; Josh Knox, Vice-Chair; John Mangan, Clerk; David Raphael; Jonathan Schumacher; Tom Furland; and Ned Daly.

OTHERS PRESENT: Owiso Makuku, Community Development Director; Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; Deana Stoneback, Administrative Assistant; Doug Henson, P.E.; Doug Goulette, P.E.; Negesse & Juanita Gutema; Brud Sanderson, Consultant; Shawn Brennan; Karish Tabrene; Fox Mourning; and Aja Joe.

Chairman Brusco called the meeting to order at 6:31 p.m.; took a roll call of the Planning Commissioners present; read the Covid meeting instructions into the record; re-administered the oath to late arrivers and noted the change to the agenda.

AGENDA ITEM 1: PUBLIC COMMENTS: Sharon Kelley reported small grammatical corrections to the 50 Pinecrest Drive consent application. There were no other public comments.

AGENDA ITEM 2: CONSENT AGENDA:

- **Simple Parcel: Sandy & Nancy McCall:** Proposal to subdivide a 1.46-acre lot into two lots located at 50 Pinecrest Drive in the Medium Density Residential (R2) Zone. Tax Map 47, Parcel 102.
- **Minor Site Plan Amendment: Twincraft Skincare & Asch Enterprises, LLC:** Proposal to add 2 exterior chillers associated with manufacturing use located at 34 River Road in the Industrial (I1) Zone. Tax Map 64, Parcel 3-4.

Commissioner Raphael MOVED and Commissioner Schumacher SECONDED a MOTION to approve the Consent Agenda applications as written and, including minor grammatical corrections. The MOTION passed 7-0.

**AGENDA ITEM 3: CONTINUED FROM 3/11/21-SKETCH-PUBLIC HEARING:
Negesse & Juanita Gutema: Proposal for a 4-unit, 5-lot Planned Unit Development-
Residential (PUD-R) on a 37.8-acre parcel located at 137 Towers Road in the Agricultural-
Residential (AR) & Low Density Residential (R1) zones. Tax Map 14, Parcel 39-11.**

Darren Schibler, Planner, noted the application was previously reviewed by the Planning Commission to examine a Planned Unit Development subdivision of a 37.84-acre parcel to create 3 new lots, along with the existing developed lot and an open space lot, totaling a 5-lot PUD. The hearing was continued to allow time for a legal opinion regarding the road construction requirements of the driveway. The Scenic Resource Preservation Overlay (SRPO) District allows for one driveway to serve 4-dwelling units and be constructed to specific Public Works Specifications (Type B road). However, Public Work's concern is that each single-family house could propose an accessory dwelling, thereby creating 8 dwelling units on the drive, which require the drive to be built as a public road according to requirements of Public Works

49 Specifications. Schibler reported that he received a legal opinion, which agreed with Public
50 Work's opinion on this matter.

51

52 Schibler continued to report that staff did not believe the application met the PUD requirements
53 due to the following:

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- 55 • No contribution for affordable or market rate dwellings were proposed;
- 56 • No building envelopes were proposed;
- 57 • Large lots could disrupt open meadows and scenic views;
- 58 • The open space lot has no value as no trails, gardens or AG uses were proposed;
- 59 • No protection given to prime AG soil area;
- 60 • A wetland does not make the land unviable as AG land and the applicant could do more
61 such as restoring the wetlands, which would require a restoration plan;
- 62 • Simply following the SRPO District regulations does not constitute a PUD; and he
63 showed an overhead graph between a PUD and the SRPO standards describing the
64 overlaps of each zone;
- 65 • He emphasized that the applicant could propose a conventional subdivision; and
- 66 • Reiterated the application under review does not meet the PUD requirements.

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68 Doug Goulette, Lamoureux & Dickinson Consulting Engineers, Inc., noted that staff spent a lot
69 of time to deny the sketch application. He disagrees with the staff report and noted that at the
70 last meeting the PC was on board with the PUD proposal. He noted that PW's only concern was
71 if each dwelling unit would add an accessory dwelling unit (ADU). He said there were solutions
72 to resolve that concern. He not now being told the proposal is not a PUD. He stated that 20-
73 acres was proposed to be preserved and the Gutema's have used the land for their enjoyment of
74 trails, varying wood stands, and the wetlands. He noted that they could have proposed far more
75 units, but they wanted to keep it small. He believes the proposal meets the spirit of a PUD and
76 checks off many of the requirements of the SRPO District.

77

78 Goulette explained that after receiving the unfavorable staff report, he met with the Gutema's
79 and presented a different plan to staff on Monday. He stated he is willing to talk about the new
80 plan should the PC be willing to entertain this discussion.

81

82 Chairman Bruso stated, to be clear, the application under review is the original plan submitted
83 and that needs to remain separate from discussion of a new plan. Bruso asked the other
84 Commissioners for their thoughts.

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86 Commissioner Daly agrees that the proposal does not meet the PUD requirements, however he
87 was not opposed to development of this lot.

88

89 Vice-Chair Knox is still struggling with the application, but "Dittos" Commissioner Daly's
90 comments.

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92 Commissioner Schumacher aligns his opinion with the staff report. He does not believe it meets
93 the spirit of a PUD. He would like to hear the other plan, but not at this hearing.

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95 Commissioners Furland and Mangan replied, "Ditto."
96

97 Commissioner Raphael noted that the PC has been struggling with PUDs for awhile and this is
98 the strongest staff report seen not supporting a PUD. He did not want to spend too much time
99 with the application if it was not supported. He will support a different application as believed to
100 meet the regulations.
101

102 Goulette asked if the PC was agreeable to a conceptual discussion as at the last hearing. He was
103 surprised that staff recommended denial of sketch because at the last hearing he felt that the PC
104 was agreeable to the existing PUD plan under review. He would like to get a general feel if they
105 are headed in the right direction, noting that ultimately it is the PC's decision to determine if the
106 PUD is acceptable and not the staff.
107

108 The PC allowed Goulette to make a brief presentation on the new plan. After discussions, it was
109 decided to continue the Public Hearing so that the Goulette, and his clients, meet with staff to
110 determine how to proceed with a new sketch plan.
111

112 Nancy Johnson stated that she liked the new conceptual plan better than the original plan.
113

114 **Commissioner Schumacher MOVED and Commissioner Mangan SECONDED a motion to**
115 **continue the Public Hearing to the next available hearing when staff is prepared to**
116 **schedule. The MOTION passed 7-0.**
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118 Owiso Makuku thanked the PC for the thoughtful discussion on the PUD conversation.
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120 **AGENDA ITEM 4: SITE PLAN-PUBLIC HEARING: State of Vermont: Proposal to**
121 **remove and rebuild a single-story facility for a 16-bed institution located at 26 Woodside**
122 **Drive in the Open Recreation (O1) Zone. Tax Map 5, Parcel 3-1.**
123

124 Darren Schibler described the application as follows:
125

- 126 • He described the location and the surrounding properties.
- 127 • He noted the proposal was to demolish one of the juvenile detention facilities, 13,500 s.f.
128 in size and build a 10,000 square foot physically secure mental health recovery residence
129 in its place.
- 130 • The number of beds is reduced to 16, with 50 employees.
- 131 • He noted that the State owns the facility this limits site plan review as they are exempt.
- 132 • A waiver for lighting is proposed, and he supports the request due to the location of the
133 facility.
- 134 • Woodside has a history of a high burden on first responders however, they have worked
135 with staff departments to reduce this burden and all are satisfied.
- 136 • He called out areas in the staff report where he made some changes, one being that Public
137 Works will have the discretion to approve changes that may be needed to the utilities.
138

139 Commissioner Furland referred to Condition 6 and asked what the purposed was of a channel
140 grinder. Joe Aja replied that it goes in the flow of the waste system to catch and shreds materials
141 before going into the system.

142

143 Joe Aja noted that the proposed changes were discussed and they have no issues. He referred to
144 Page 6, B3 & B4, noting that if they encroached into the wetland area they would require a state
145 wetlands permit. He noted that renewable energy could change due to the cost.

146

147 **Commissioner Schumacher MOVED and Commissioner Daly SECONDED a motion to**
148 **open the Public Hearing. The MOTION passed 7-0.**

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150 **Vice Chair Knox MOVED and Commissioner Raphael SECONDED a motion to close the**
151 **Public Hearing. The MOTION passed 7-0.**

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153 Brud Sanderson pointed out that the building size is 17,000 sq. ft., not 10,000 sq. ft. as noted in
154 the staff report. Schibler noted that this will not change the lot coverage.

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156 **Commissioner Mangan MOVED and Commissioner Furland SECONDED a motion to**
157 **approve the application as warned and subject to the changes called out in the staff report.**
158 **The MOTION passed 7-0.**

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160 **AGENDA ITEM 5: MINUTES 4/22/21:**

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162 **Commissioner Schumacher MOVED and Commissioner Daly SECONDED a MOTION**
163 **to approve the 4/22/21 minutes as written. The MOTION passed 7-0.**

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165 **AGENDA ITEMS 6: OTHER BUSINESS:**

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167 Chairman Brusco noted that he and the Community Development Director came to an
168 understanding that the PC would like to see a “touch point” on regulations. He also noted that he
169 has been disappointed with the invitation given to the Village Planning Commission and their
170 lack of response. He suggested we change the process and issue a formal letter to include the PC
171 meeting dates and strike the invitation that we have been including on every agenda. He stated
172 that we will continue to invite to a special meeting as he did not want to shut the door
173 completely. The PC Agreed and instructed staff to prepare the letter for the Chairman’s
174 signature.

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176 The Planning Commission meeting adjourned at 7:49 p.m.

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PLANNING COMMISSION

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By: _____
Dustin R. Brusco, Chair

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