

1 TOWN OF ESSEX
2 PLANNING COMMISSION
3 DRAFT MINUTES
4 SEPTEMBER 9, 2021
5

6 **MORE COMPLETE MINUTES WILL BE POSTED PRIOR TO THE NEXT MEETING.**

7
8 **Note: This meeting was in-person and virtual on Teams.**

9
10 **PLANNING COMMISSION (PC) PRESENT:**

11 **IN PERSON:** Dustin Brusco, Chair; Jonathan Schumacher; Tom Furland; and Ned Daly.

12 **VIRTUAL:** Josh Knox, Vice-Chair; John Mangan, Clerk; and David Raphael.

13
14 **OTHERS PRESENT:**

15 **IN PERSON:** Owiso Makuku, Community Development Director; Sharon Kelley, Zoning
16 Administrator; Darren Schibler, Planner; Ann Costandi, Town Stormwater Engineer; Karl &
17 Kathleen Schneider; Paul O’Leary, P.E.; Bryan Currier, P.E.; Brian Marcotte; James Driscoll; Lee
18 Polwas; Marie Cowen; Deb Wright; Lydia Wisloski; Greg Alling; and Community T.V.

19
20 **VIRTUAL:** Nancy Pratt; Steve Morris; Dan Petherbridge; Dave Irwin; David Skopin; Emily
21 Cabral-Haag; Evan Cross; James Fester; Justin Tuthill; Marlene Frank; Mike Trick; Mousa Ishaq;
22 Natalee Braun; Ken Kieft; Tom Williams; Ryan Austin; Mukesh Kumar; Eric & Lydia Rumbaugh;
23 Sue Firman; Irene Wrenner; and John Sama.

24
25 Chairman Brusco called the meeting to order at 6:32 p.m.; called out the Commissioners who were
26 in attendance virtually and in person; and provided the oath to the public.

27
28 **AGENDA ITEM 1: POSSIBLE DISCUSSION & ELECTION OF OFFICERS:**

29
30 There was no discussion.

31
32 **Commissioner Furland MOVED and Commissioner Schumacher SECONDED a MOTION**
33 **to re-elect the current slate, Dustin Brusco, Chair; Josh Knox, Vice-Chair; John Mangan,**
34 **Clerk. The MOTION passed 7-0.**

35
36 **AGENDA ITEM 2: PUBLIC COMMENTS:** Sharon Kelley reported that Condition 4 noted in
37 the Draft Consent Agenda letter should be deleted as it was a carry-over.

38
39 **AGENDA ITEM 3: CONSENT AGENDA:**

- 40
41
 - 42 • **MINOR SITE PLAN AMENDMENT: Karl & Kathleen Schneider:** Proposal
43 to convert commercial space into a third apartment located at 3 Kellogg Road in
44 the Retail-Business (B1) Zone. Tax Map 54, Parcel 2-1.

45 **Commissioner Furland MOVED and Vice-Chair Knox SECONDED a MOTION to**
46 **approve the Consent Agenda, as warned and including the deletion of Condition 4.**

47
48 **The MOTION passed 7-0.**
49
50

51 **AGENDA ITEM 4: SKETCH-PUBLIC HEARING: PINWOOD MANOR, INC:**
52 **PROPOSAL FOR A 49-UNIT SINGLE FAMILY PLANNED UNIT DEVELOPMENT-**
53 **RESIDENTIAL (PUD-R) ON A COMBINED 115-ACRE LOT LOCATED AT 18 & 30**
54 **TIMBERLANE DRIVE IN THE MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT.**
55 **TAX MAPS 84 & 85, PARCELS 1 & 1-1.**

56
57 Commissioner Raphael noted for the record that he is familiar with the site as he had a private
58 site inspection on Tuesday, September 7th with the planner.

59

60 Darren Schibler made the following points:

61

- 62 • The applicants received sketch plan approval last August, 2020.
- 63 • The applicant submitted an application for preliminary review however, it was deemed
64 incomplete due to missing information required of preliminary review.
- 65 • He had several discussions with the applicant regarding steep slopes, erosion control
66 and storm water management. He stated that there is concern for possible for erosion
67 on this site and on the slopes proposed to be impacted, which show grades greater than
68 20%, which exceeded the requirements of the Regulations and Town Plan;
- 69 • He noted that the applicant reduced lot sizes and retained larger open space, however a
70 lot of development remains proposed on steep slopes;
- 71 • He showed the east side areas of proposed development on the plan, noting the location
72 of the single-family houses off from Timberlane Drive; with some of the development
73 still being on significant steep slopes; and showed the location of the proposed carriage
74 houses;
- 75 • He asked the applicant to redesign the proposal to avoid all slopes 20% or greater and
76 they did not agree to this directive however, the applicant agreed to return to the PC as
77 a sketch plan review.
- 78 • He provided the PC with a Staff Report and a Memo regarding the application. He
79 walked through the points in these documents noting that one of the documents call out
80 the stormwater violations resulting from Pinewood H; one being the driveway along
81 Stonebrook Circle that was submitted by a landowner which highlighted the issues of
82 grades and slopes;
- 83 • The Staff Report recommends denial, without prejudice, due to not conforming with the
84 Zoning Regulations and Town Plan; however if the PC determined that the project still
85 merits consideration he recommended that the applicant request a variance from the
86 Zoning Board of Adjustment for relief from the regulation steep slope requirements;
87 and a third option was to continue the application to further discuss issues on slopes or
88 any other issues the PC feels is necessary.

89

90 Paul O’Leary, P.E., was representing Brian Marcotte, d/b/a Pinewood Manor.

91

92 O’Leary stated, on a personal note, that he has lived in Essex over 34 years and it used to be
93 that Essex was the place to be as it had the best schools, IBM had its presence in Essex. He
94 said lately, nothing is happening in Essex, neither commercial nor residential. Surrounding
95 communities are booming such as Williston with Phinney Crossing and So. Burlington with a
96 new Town Center. Meanwhile, Essex has nothing. He believed the ETC|NEXT plan was
97 “dead in the water” as there is no funding to make that plan happen. He stated his last larger

98 project in Essex was the Kolvoord project and that took 2 ½ years. He was not sure why it was
99 so hard in Essex. He said, “If you think developers don’t pay attention, they do. Essex is way
100 down the list and is not friendly anymore. As an Essex resident, he would like to see a change
101 and become similar to other towns that are booming with development.
102

103 O’Leary made the following comments on behalf of his client:
104

- 105 • When they received sketch plan approval in August, 2020, everything was good with
106 the Planning Commission. He stated they submitted essentially the same plan for
107 preliminary plan review. He noted that PC Alternate Member John Alden was present
108 for sketch plan review and he was fine with the slopes;
- 109 • He noted that everyone was familiar with Pinewood and its slopes.
- 110 • He stated that the applicant received unanimous approval at sketch and nothing was
111 conditioned about the steep slopes. Since sketch plan approval, the applicant has spent
112 \$100,000.00 so far to get to the next stage. However, staff would not let the application
113 go to preliminary. He noted one of the “incomplete” reasons was that they had not
114 submitted a street name for the new road. He stated that staff made it clear that they
115 would not schedule a preliminary review because of the slopes. He said, “it is not
116 staff’s job to determine what come to this Commission and what doesn’t. Alright, it’s
117 just wrong. No other town does it. You’ve never done it in the past. I don’t understand
118 why we have this policy.”
119

120 Chairman Brusio interrupted and said, “I think the fact that you are here is to talk about the
121 sketch. The journey to get here, I understand, but I don’t want this to be a bashing staff sort of
122 discussion.” O’Leary said, “We have a lot of those lately, but here we go with the Sketch.”
123

- 124 • The alignment is almost the same as sketch review. He noted that this section is
125 different than any other plan in Pinewood as they are proposing carriage houses to
126 accommodate landowners that go south in the winter months; much more open space as
127 the single-family homes back up to an open space lot. He believes the plan showing
128 open space and being compact is an excellent layout;
- 129 • He noted that Section I is comprised of 110+/- acres; they have concentrated
130 development for 49-units on 20-acres thereby keeping the bulk of the land open; about
131 65-acres within Parcel I are considered steep slopes; approximately 10-acres of the 20-
132 acres would impacts slopes;
- 133 • He explained how to measure the grade of a slope, a steep slope is a 1 & 5 grade and
134 used the meeting room as an example (by going 5’ up the wall from the floor) which
135 would be a 20% slope. He stated that lawns are usually graded at 1 & 3 which would
136 be a 33% slope. He stated you could ride your John Deer on this sized slope. He noted
137 that the Circ Highway from River Road to Essex Way was steep at approximately 50%
138 grade;
- 139 • He stated that Section H had 12-acres that was greater than 20% slope and, this lot is
140 very similar;
- 141 • He stated that they already have sketch plan approval and the only reason they agreed
142 to come back in with their preliminary plan as a sketch plan was that Staff would not let
143 them come before the Planning Commission. He requested that they direct staff to let
144 them continue on with the original preliminary plan submittal;

- 145 • He asked where was the PC going to put additional housing in Pinewood Manor, which
146 as an approved Master Plan and an approved Sketch Plan;
- 147 • He stated that they don't need a new sketch plan approval and asked the PC to stay true
148 to its previous sketch plan approval and direct staff to schedule for a preliminary review
149 once the 5 or 6 missing items were submitted. He stated that the Town is that
150 disfunctional as they can't get before the PC with preliminary;
- 151 • He noted that the general standards for PUDs allow the PC to modify or waive the
152 standards of other provisions of the regulations.

153

154 Commissioner Furland stated that he does not think that the Regulations apply to only certain
155 areas in Town and seeing Pinewood as its own distinct thing and he thinks the Regulations still
156 apply.

157

158 O'Leary noted that Kolvoord was approved 2 years ago and had a fairly high percentage of
159 20%; Reinhardt had slopes greater than 20%; Al Senecal's parcels have slopes greater than
160 20%; his own commercial building has had slopes greater than 20%. He said, "So this isn't a
161 new thing. Be careful, be careful, because if you are going to say no development on slopes
162 greater than 20%, you are probably taking ½ of the parcels in town out of play. So be careful,
163 be careful of what you set for precedent. It might come back and bite you hard."

164

165 Commissioner Daly stated that it was not an easy site but you need to visualize what it is going
166 to look like before your build. He agreed there is a need for housing and they need to figure out
167 how to move the application forward. He stated that this was difficult but not insolvable.

168

169 Chairman Brusco acknowledged that most of Pinewood was developed with slopes greater than
170 20% and there may not have been regulations in place at that time, but they need to address the
171 regulations today.

172

173 **Commissioner Schumacher MOVED and Commissioner Daly SECONDED a MOTION**
174 **to Open the Public Hearing'close the Public Hearing. The MOTION passed 5-0.**

175

176 The following people provided comments:

177

178 Tom Williams, 78 Stonebrook Circle, Essex

179 Mukesh Kumar, 8 Evergreen Drive, Essex

180 Jim Driscoll, 16 Windridge Road, Essex

181 Mike Trick, 4 Ridge Road, Essex,

182 Dan Petherbridge, 39 Stonebrook Circle, Essex,

183 Jon Zimmerman, 42 Stonebrook Circle, Essex,

184

185 The Public Hearing was left open and the PC motioned and approved unanimously the
186 continuance of this application to the next available date.

187

188 **AGENDA ITEM 5: MINUTES 8/26/2021:**

189

190 **Commissioner Raphael MOVED and Vice-Chair Knox SECONDED a MOTION to**
191 **approve the 8/26/21 minutes as written. The MOTION passed 7-0.**

192

193 **AGENDA ITEM 6: OTHER BUSINESS:**

194

195 Sharon Kelley reported that the Town of Williston has another Zoning Regulation update
196 scheduled and the information was a part of the PC packet.

197

198 The Planning Commission meeting adjourned at 8:21 p.m.

199

200 Deliberative Session started at 8:34 p.m. and ended at 9:11 p.m.

201

202

PLANNING COMMISSION

203

204

By: _____

205

Dustin R. Brusio, Chair

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