TOWN OF ESSEX
DEVELOPMENT REVIEW BOARD
81 Main Street Essex, VT
DRAFT MINUTES
AUGUST 21, 2025

The video of this meeting can be found @ https://www.youtube.com/watch?v=joTOp9fjryg

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: Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; B. Cummings; Lois Whitmore; David Shenk; Bryan Currier; Nick Ovitt; Natalee Braun; David Skopin; Justin & Jon Lang; Ray Ely and Paula Duke.

OTHERS VIRTUALLY: Ken Signorello; Megan; Sharo; Irene Wrenner; Natalee Braun; David Skopin; and Anne Miller.

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

AGENDA ITEM 2. ADDITIONS/CHANGES: None.

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

AGENDA ITEM 4: PUBLIC TO BE HEARD

David Skopin, 11 Skyline Drive, Essex, VT, stated that he was trying to get a handle on how a quasi-judicial board works and asked if its powers were similar to court. Chairman Carroll stated that the first rule is for transparency and explained the process of the DRB's reviews.

Skopin spoke on his belief that he did not believe the DRB justified the waiver for the 50' buffer granted to the Kimo Drive subdivision.

Skopin spoke on the Pinewood application. Chairman Carroll advised that the Pinewood application was continued and not on the current meeting's Agenda. He further explained that as such, the DRB could not make any comments on the application.

Skopin stated the DRB was in place to protect its citizenry and suggested they take a class at UVM as they have an engineering, civic and environmental program wherein a DRB member can get a degree in erosion mitigation.

DRB Member Bruso felt Mr. Skopin was getting out of bounds with his questions as they were not about the application before the DRB tonight.

Lois Whitmore, 178 Old Stage Road, Essex, VT informed the DRB that she spoke with the Selectboard, and they instructed her to come before the DRB with her concerns. She asked for a moratorium on waivers until a comprehensive traffic study was done, citing long roads, steep slopes, and allowing only 1 exit out of a site. She noted these issues resulted from the Circ Highway never being built in Essex. She reported that at the Act 250 hearing attention was drawn to Route 117, Kimo Drive, Sand Hill Road and North Williston Road. She concluded by suggesting that the DRB take a pause with waivers so that changes can be made to the regulations.
Robert Cummings, 20(D1) Greenfield Road, Essex, VT, Conservation & Trails Vice-Chair, stated that he was present along with Ken Signorello, who was attending via Zoom. Cummings reported that they reviewed the application for 55 Thompson Drive and found no indication for a waiver request.

Irene Wrenner, 15 Thrush Lane, Essex, VT, seconds Ms. Whitmore's comments regarding waivers.

Natalie Braun, 11 Skyline Drive, Essex, VT, provided general comments regarding precedent on waivers and noted that when two or more waiver requests come before the DRB, it creates pressure for the members. She noted that any subsequent applicant can then lean on previous waivers granted. She stated this was psychological pressure for DRB members and ultimately the waivers are granted. She suggested that the cumulative time and effort plays on each DRB member and advised them to "just say no" if the proposal does not fit with the regulations.

The DRB instructed Staff to ensure that waiver requests are accurately reflected in the warnings.

<u>AGENDA ITEM 5: BUSINESS ITEMS:</u>

a. **Review DRB Rules of Procedure & Conflict of Interest Policy:**
   The DRB requested the following changes be made to the DRB Rules of Procedure:
   - Section VII, 1st sentence, change "6:00 PM" to "6:30 PM".
   - Section VII, Section E: Add more to the order of the application (list all the items as shown on the 8/21/ Agenda), to include staff's summarization of the application and point out areas of conflict with the regulations; Call out that the DRB is to converse with staff.
   - Section VIII, D: Change to read, "Accept Staff written information presented to the Board; verbal presentation presented by staff; converse with staff; and invite the applicant …"
   - Section IX, D, Change to read, "The Chair shall ask for public comments **relative to** consent agenda items at the beginning of the meeting.

b. **Check-In of DRB Operational Status:** The DRB provided changes to be added to its Operational Rules & Procedures Guideline'.

<u>AGENDA ITEM 6: MINUTES: April 3, 2025, May 29, 2025, June 5, 2025, June 26, 2025, July 17, 2025, July 31, 2025 and August 7, 2025</u>.

Vice-Chair Zukowski Moved and DRB Member Norton Seconded a Motion to approve the April 3rd, June 5th, June 26th, and August 7th meeting minutes with minor changes and continue the May 29, 2025, and July 17, 2025, minutes to the next meeting. The Motion passed 7-0.

<u>AGENDA ITEM 7: PUBLIC HEARING:</u>

<u>Site Plan - Why Not, LLC is proposing the redevelopment of the existing clubhouse for the Links at Lang Farm Golf Course located at 127 Stinson Drive (Parcel ID 2-091-010-000) located in the Mixed Use Development-Planned Unit Development (MXD-PUD) District. The proposed building is approximately 3,600 square feet and will operate as the pro shop and restaurant</u>.

Kent Johnson, Planner provided read portions of staff report regarding the demolition and the rebuild of a proposed 3,600 square foot clubhouse, including a sit-down restaurant/seating, with the addition of 27 parking spaces. Johnson reminded the DRB about the concerns on fire safety, steep slopes, and landscaping requirements, while noting the 8 concerns listed on Page 11 of his report.

A motion was put forth to open the Public Hearing. A brief discussion ensued among the DRB regarding the motion as the public hearing was left open at its previous meeting. The motion was withdrawn.

Bryan Currier, O'Leary-Burke Civil Associates, PLC, spoke on behalf of the applicants. Currier described the location and access to the 18-hole golf course off Essex Way onto Stenson Drive and the proposal to demolition and rebuild of a 36,000 sq. ft. clubhouse, (with a small shift in location). Currier made 8 points, as follows: 1) The property is not located in the Business Design Control District and the height will be under 40-feet'. 2) The parking lot is the entry to the clubhouse, and he reminded the DRB that they do not share the fire chief's concern as they are proposing a 60' lane; 3) Steep slopes. The proposal includes the installation of two retaining walls, one to be placed along the wetlands and the other at the toe of the steep slope. 4) Traffic Study. He informed the DRB that the ITE Manual only offered numbers for a golf course and it did not offer a use for a golf club house, therefore he believed it would be classified as an accessory use. 5) Circulation. He reported that the view has not changed, and the structure is generally proposed in the same area thereby bringing the parking spaces closer to the facility and to the starting gate. 6) He reported that they will be required to provide five (5) ADA spaces. 7) Landscaping. He described the location of the proposed row of cedar trees as being in front of the putting green. He stated that the landscape will be well maintained. 8) They will make changes Public Works requested on this application.

Chairman Carroll asked the applicant if the steep slopes were manmade. The applicant said "yes". Chairman Carroll asked if the existing tent would continue to be used with the new facility. Currier replied yes. Justin Lang stated that the tent will be used for "kid events" and golf cart storage. Chairman Carroll stated for the record that he has played golf at the Links. He asked if the landowner thought golfers would stay to eat and/or if other people would come just to eat. Jonathan Lang suggested the golfers would likely stay and did not believe it would create more traffic. Currier stated that most diners will not be contributing to peak hours as many will have scheduled golf times. Staff will be prepared to provide rationale for parking space calculations that will consider both golf course and the proposed restaurant use.

The DRB had a discussion on traffic, including tournaments; the traffic turn-around and/or a 2-way proposal. Currier replied that the road was 2-way and that the design was cosmetic. Joshua Lang stated that they were not promoting the clubhouse as a reception hall. It was reported that other diners would be allowed to come to the clubhouse to dine. Currier noted that the parking area and the existing overflow parking area will remain. Currier stated that 110 paved spaces will be line striped. They referred to the ITE manual in their discussions.

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

The following people provided public comments:

Ken Signorello asked to show the area on the plan the location of the manmade fill. Jonathan Lang showed the area and stated that the existing fill is nasty material/clay taken 80 feet below-ground. Bryan Currier stated that the materials resulted from building the Circ Highway.

DRB Member Norton stated that he has no problems with Public Work's comments on stormwater.

DRB Member Martin Moved and Vice-Chair Zukowski Seconded a Motion to continue the Public Hearing to October 2, 2025. The Motion passed 7-0.

<u>AGENDA ITEM 8: CONCEPTUAL DISCUSSION</u>:

<u>Shenk Enterprises, LLC is proposing to construct a 41,250 square foot warehouse use building and associated parking on the southern end of the parcel located at 55 Thompson Drive (Parcel ID 2-072-011-000) in the Resource Preservation District-Industrial (RPD-I) District. The applicant also requests a waiver of the 50' front yard buffer to efficiently grade the parcel.</u>

The meeting discussed a proposal for a 41,250 square foot warehouse at 65 Thompson Drive, focusing on the 50-foot buffer requirement and slope concerns. The applicant clarified that no waiver is requested for the buffer area, as the plan only involves minimal access and utility impacts. Staff and committee members raised questions about the buffer area, steep slopes, and existing trails, while the applicant explained their approach to managing slopes and building design. The discussion aimed to identify major concerns before proceeding with the full application. One such concern was access into the lot. They requested that the question be brought forth to Public Works for their opinion on which curb cut would serve the lot best. A brief discussion ensued on slopes. The 50' buffer was discussed and the uses that were permitted within the buffer. The applicant suggested that Public Works be consulted on the access to the site as one proposed area is close to the T-intersection; and noted that test digs will likely be required for archeological artifacts. The existing non-approved trails on the site were discussed. The applicant indicated they would work to find an agreeable trail, likely around the pond to continue its connection, however stated he would not be responsible for its upkeep as an easement would be granted to the town.

Lois Whitmore asked if this proposal would connect Thompson Drive to Kimo Drive and asked about the traffic impact.

Dino Cummings, Conservation & Trails Committee stated that he would appreciate trails in some kind of fashion.

The DRB felt they could support the application as discussed in the meeting.

A&C Realty is requesting a conceptual discussion prior to submitting a site plan for Phase III of the Greystone Industrial Park located at 123 Old Colchester Road (Parcel ID 2-095-001-001) in the Industrial (I1) and Agricultural Residential (AR) Districts. Phase III will consist of 3 proposed warehouse buildings and pump stations.

Kent Johnson spoke on behalf of staff. He noted that Public Works provided issues that need clarification on roadways, however he needs to meet with them for further discussion.

DRB Member Williams asked if when blasting was completed would the activity with a gravel operation or businesses. Currier replied, "both".

Bryan Currier, P.E., O'Leary-Burke Civil Associates. PLC, and Nick Ovitt, spokesperson for the landowner, represented the application stated that because a formal application will be a site plan, a decision was made to start with an informal conceptual discussion.

Board Member Norton reported in the past the applicants wanted to build a quarry and ended coming in for review with excavation and a building.

Nick Ovitt, A&C Realty & Excavation spoke on the blasting and existing project. Both Currier and Ovitt reported that Phase 3 is for the construction of 3 buildings, with another round of blasting rock, similar to the first blast approval. It was estimated to be a 10-year project scope. He explained that they did not build a structure due to the blasting, and the development would not "be in sync" due to blasting.

The Development Review Board discussed the conceptual design for a new industrial development within Greystone industrial park, which would add 60,000 square feet of warehouse space. The board expressed general support for the conceptual design.

Points of discussion included traffic impacts and the need for further study; the status of existing trails on the property and the need to maintain connectivity while relocating trails as needed; blasting; the railroad; a fully designed site plan; access points to 2A; confirmation on the number of buildings (3); reclamation plan; an existing stormwater pond created as a result of the original approval. Act 250 will be required, and likely another archaeological study.

Nick Ovitt informed the DRB that the former ZBA has a condition that no left turns onto Colchester Road be allowed, along with dust mitigation.

A discussion ensued on what the DRB will be looking for in a formal application, including but not limited to landscaping, parking lot concerns, restaurant seating capacity, lighting, and landscaping.

AGENDA ITEM 9: OTHER BUSINESS: Chairman Carroll confirmed with the DRB that the consensus was for him, as chair, to sign the Amazon denial letter.

AGENDA ITEM 10: PROPOSED EXECUTIVE AND/OR DELIBERATIVE SESSION: NONE.

AGENDA ITEM 11: READING FILE: Letter from resident.

AGENDA ITEM 12: ADJOURN: The meeting adjourned at 9:31 p.m.

DEVELOPMENT REVIEW BOARD

By: ______________________________

Ian Carroll, Chair

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