Town of Essex Development Review Board
Draft Regular Meeting Minutes
Thursday, December 4, 2025

A video recording of the meeting is available on the Town of Essex YouTube Channel at https://www.youtube.com/@essexvt.
Direct link - https://www.youtube.com/watch?v=mMovAEJ5e6U

Development Review Board Members:
At Meeting: Ian Carroll - Chair, Sharon Zukowski - Vice Chair, Stephanie Bixby - Clerk, Dustin Bruso, Nick Martin, Hubert Norton
On Zoom: Trefor Williams

Administration and Staff: Kent Johnson – Town Planner

Others Present: At Meeting – Bryan Currier, Bart Frisbee, John Hill, Jeff Lyon, Kelly Lyon, Lorraine Zaloom. On Zoom – Cheryl Van Epps, Dawn Hill-Fleury, Gina Halpin Barrett, Leslie, sharo.

1. **Call to Order**
    a. Ian Carroll called the Essex Development Review Board meeting to order at 6:30 PM

2. **Agenda Changes/Additions 1:26 in video**
    a. Ian Carroll suggested that the Approval of Minutes be moved from item five to item four above public to be heard.

3. **Approval of Agenda 2:02 in video**
    a. **Ian Carroll made a motion seconded by Dustin Bruso to approve the amended agenda for December 4, 2025. Moving item five to item four and item four to item five. Motion passed 7-0.**

4. **Approval of Minutes 2:18 in video**
    a. Approval of minutes: November 6, 2025.
    b. **Sharon Zukowski made a motion seconded by Nick Martin to approve the minutes for November 6, 2025. Motion passed 7-0.**

5. **Public To Be Heard 3:04 in video**
    a. **4:34 in video Lorraine Zaloom** – noticed the consent agenda is no longer there and a business item was added, and she asked about interested parties and a vetting process. Ian Carroll said that business items are not warned items, but business that the board needs to conduct.

6. **Business Items 5:23 in video**

a. Request from Sterling Construction for an extension on their sketch approval for a subdivision at 53 Center Road. **Kent Johnson, Town Planner –** said they has their sketch plan was approved by the Planning Commission last December on the 11th and their approval expires after a year. They expect to have a preliminary application soon before that date, but due to complexities with the project they are asking for an extension. Sharon Zukowski asked that shouldn't an extension be part of a public hearing? Ian Carroll said that this is strictly an extension and there are no changes or adjustments being made. This is only an extension. And the reason information is being presented is just to get an extension and why they could not meet the deadline. Sharon Zukowski said this is something she would like to address later. Dustin Brusso said he did not see a need for the applicant to submit a written request other than to extend the approval. It is just an administrative action and that any additional information is irrelevant. Ian Carroll responded saying correct. We are only extending the deadline. Nick Martin asked what the recommendation from Staff to extend the deadline to? Kent Johnson from Staff said it only needs to be extended a few extra days but thinks it can be extended a year in case something else comes up. Ian Carroll said we can extend it for six months and that should provide enough time for the applicant and asked the applicant if six months would be enough and the applicant Bart Frisbee responded yes. Dustin Brusson recommended extending the approval for a year, so we do not need to track time or come back in 6 months if the extension was not adequate. Ian Carroll said this does not require a motion, just a majority and there is consensus by all seven members that the twelve-month extension will be allowed.

7. <u>Public Hearing 14:04 in video</u>

a. TO BE RESCHEDULED - ~~Site Plan - Shenk Enterprises and Black Bay Ventures XIV, LLC are proposing a 41,250 square foot warehouse and associated parking at 55 Thompson Drive (Parcel ID 2-072-011-000) located in the Resource Preservation-Industrial (RPD-I) District.~~

b. **14:15 in video Final Site Plan Amendment** - Kana Properties LLC is proposing to add 8 additional units to the third floor of the addition at 1 Kana Lane (Parcel ID 2-010-074-000) located in the High Density Residential (R3) and Business-Design Control Overlay (Districts). No new site work of exterior building contraction is proposed with this application.

Kent Johnson explained that the address is 5 Kana Lane but the building in question is 1 Kana Lane. The multi-unit building by the road. The applicant is proposing to add an additional 8 units to the top floor. There is a violation on the site. The applicant started building the 8 units without approval. Board approval would remedy the violation. Conditions of the previous approval in 2023 stated that bicycle parking be 2 per dwelling or 24 total. In consideration of the 8 more dwellings, we need to increase bike parking to 40. In the fire protection section, the fire chief said the solar

panels in place are obstructing the fire lane access of 20 feet. Hubert Norton asked what the conditions to the original two approvals were. Kent Johnson said that any previous conditions must be satisfied as part of the current application. Hubert Norton wants to know the previous conditions, as conditions of the new application might conflict with what was already approved. Kent Johnson said there is no reason to limit the 8 units based on previous conditions. Dustin Brusso asked if there are conditions in the previous approvals that are not written into the conditions of this application, they need to be included or referenced clearly, and included in some form or fashion because that first line is all inclusive saying everything from the past still applies but there is nothing here to clarify what was in the past approval. We need to be able to see this information. Ian Carroll said that the approval was previously reviewed under the Planning Commission and the current DRB does not have this prior knowledge. Nick Martin asked if this is considered phase three or is this a new project as it is ongoing. Kent Johnson only evaluated this as an eight-unit addition. Dustin Brusso said this was submitted as an amendment.

Bryan Currier of O'Leary Burke Civil Associates and Jeff Lyon, the applicant, were present and summarized the project. Bryan Currier said they are proposing 8 units and the solution is to add gravel on the building side to move parking spaces and make the 20 feet the fire department is requiring. They would also put up a no parking sign for the FDC access. They thought that 5 and 9 from conditions of approval could be removed and have nothing else to add.

Kent Johnson showed a picture of the new plan and said it does not indicate how it is different from the previous plan, but it looks like there is a modified angle to provide 20.4 feet. Were there any other changes, and Bryan Currier said no that they just increased the radius.

Stephanie asked why they would start work that had not been approved and Jeff Lyon said it was his fault, and there was work that had to be done immediately. And all that is done is rough in electrical and plumbing and a sprinkler.

Nick Martin asked if the entire parking lot being gravel and Bryan Currier said yes. Nick Martin wanted to know how they would know which is median and which is parking lot.

Hubert Norton asked why the original 8 units were not in total initially. It seems clear the building was built for 16 units. Jeff Lyon said it was not practical due to Act 250.

Sharon Zukowski asked about the framing without approval and the response was framing was required for the sprinkler as they needed to know the location of the walls.

Hubert Norton asked about the sewer capacity and Jeff Lyon said it meets what is required of them.

Ian Carroll had a question about the third floor and why they did not get approval prior to doing work. Jeff Lyon said it was a decision made on the spot, and he did not think about it at that time and not to skirt the Act 250.

Nick Martin said the 24 bike parking is now 40 and was this a recommendation or a requirement. Kent Johnson said it was just based on the previous calculations and it the applicants discretion to decide which percentage is inside vs outside.

c. Dustin Brusson made a motion seconded by Sharon Zukowski to open a public hearing. Motion passed 7-0. 42:26 in video.

d. 43:26 in video. John Hill and Lorraine Zaloom asked if it says all outside site work is done, but there are trees that are not planted, why does it say that. Kent Johnson said that the work will still need to be finished. John Hill said that most of the public postings said that no new construction would take place with this application outdoors. Kent Johnson said that this work still needs to be completed. Lorraine Zaloom asked how does this factor into a CO, since they already have a CO and there are changes. Kent Johnson said he has shared this with the Zoning Administrator, and he did a site visit, and Public Works also was out there, and if this work does not happen there would be a violation issued. Ian Carroll said all these conditions need to be met before they receive a CO and it is being reviewed.

e. 57:09 in video. Dustin Brusso said this an example of why we need more complete conditions and would request that conditions that are not complete be included as a current and active condition in any amendment or ongoing process. Hubert Norton expressed concern over conditions that might conflict.

f. 1:01:47 in video. Stephanie Bixby said she is thinking about what the public said about replanting trees that have been taken down for their privacy, and I can see their point. This area needs work. Also, the CO cannot be issued until all the work is done.

g. Dustin Brusso made a motion seconded by Stephanie Bixby to close the Public Hearing. Motion passed 7-0. 1:13:19 in video.

h. Dustin Brusso said we need a stipulation that any conditions that have not been met need to be conditioned into the current application. Stephanie Bixby wants to make sure that no more COs are issued until all conditions are met. Nick Martin said that item 19 conditions seem excessive for 40 bike parking and 24 would be sufficient. Hubert Norton said that finding number 3 needs to reflect the new plan we were

shown tonight on line 73, and to say that before a CO, all requirements from previous approvals have been met and plan is completed as approved, including landscaping. Strike condition 5 and 9. Amend 19.

i. **Trefor Williams made a motion seconded by Dustin Brusso to revise line 73 to reflect current date of plan and under the conditions strike 5 and 9 modify 16 so it says all as built plans shall be submitted to the community development department and all conditions of prior approvals be completed prior to the issuance of a CO. Correct line 19 stating a note that this condition shall supersede prior conditions and bike parking shall accommodate a minimum of 24 bikes. Motion passed 7-0.**

8. Other Business

a. Ian Carroll started with VLCT updates based on training, and we can have this on a future warned public agenda. Such as not needing a public to be heard, update to sign-in sheet that they are interested parties, and the DRB does not need to take comment from non-interested parties. Potentially adding an alternate DRB member. Hubert Norton would like to see if there are any best practices from other communities that would be helpful.

Sharon Zukowski said that some questions might need to be handled in an executive session on the agenda as the training follow-up questions would be considered attorney/client privileged information.

Dustin Brusso said we should lean towards transparency and public engagement when possible. Perhaps once every other meeting we could have Q&A sessions.

Stephanie Bixby added that maybe we plan a second meeting, so we are not rushed as our foremost responsibility is to hear applications and hold hearings.

Nick Martin mentioned that many public comments are procedural questions and that is not why we are here. Maybe we can provide an educational piece for the public so they can learn the process.

9. Reading File 1:40:06 in video

a. Upcoming DRB Application Schedule
b. Waiver Memo

10. Executive Session

a. No executive session was held.

11. Adjourn 1:40:12 in video

a. **Dustin Bruso made a motion seconded by Stephanie Bixby to adjourn the meeting. Motion passed 7-0.**

Respectfully Submitted,
Kariella Audrey Tabone
Secretary

Approved this _____ day of _____ , 2025
(see minutes of this day for corrections, if any)

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Signed by Ian Carroll, Chair