

TOWN OF ESSEX DEVELOPMENT REVIEW BOARD
REGULAR MEETING
MINUTES OF MEETING
January 15, 2026

DEVELOPMENT REVIEW BOARD: *In person:* Ian Carroll, Chair; Dustin (Dusty) Bruso; Hubert (Hubie) Norton; Nick Martin; *Online:* Sharon Zukowski, Vice Chair; Trefor Williams. *Absent:* Stephanie Bixby, Clerk.

ADMINISTRATION and STAFF: *In person:* Kent Johnson, Town Planner; Brittany McGregor, Planning Technician; *Online:* Katherine Sonnick, Community Development Director.

OTHERS PRESENT: *In person:* Mark Bauer, Natalee Braun, Bryan Currier, Ray Ely, Alan French, Peter Hess, Joseph Krupa, Brian Marcotte, Adam Morse, Eric Rumbaugh, Daniel Selicar, David Shenk, David Skopin, Cheryl Van Epps; *Online:* Patty Davis, Gina Halpin Barrett, Jill Harvey, William Keithcart, Ken Kieft, Mukesh Kumar, Anne Miller, L. Whitmore, Lorraine Zaloom, Ron KK1L, iPhone 17.

1. CALL TO ORDER

Chair Carroll called the meeting of the Town of Essex Development Review Board to order at 6:30 P.M.

2. AGENDA ADDITIONS/CHANGES

Town Planner Johnson noted additional materials to be incorporated into agenda items, including a memo to accompany discussion of Public Hearing Item #6b, the Development Review Board Report that will be included in the Town's annual report, and a copy of the new sign-in sheet. Chair Carroll agreed that the memo should be discussed during the public hearing and advised including the other items in the Reading File. Other DRB members did not have other agenda item changes.

3. AGENDA APPROVAL

Hubie Norton made a motion, seconded by Nick Martin, to approve the agenda as presented. The motion passed 6-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items not on Deliberative Agenda

David Skopin thanked Town Meeting TV for the improved audio quality of the meetings. Lorraine Zaloom and Patty Davis asked how interested party information should be conveyed from members of the public participating online, and Community Development Director Sonnick replied with several options for communicating that information to staff and the DRB.

5. APPROVAL OF MINUTES

a. Approve minutes from November 29, 2025 and December 4, 2025 meetings.

Nick Martin made a motion, seconded by Hubie Norton, to approve the minutes of November 29, 2025. The motion passed 5-0 (with Dustin Bruso abstaining).

Dustin Bruso made a motion, seconded by Nick Martin, to approve the minutes of December 4, 2025 with the following amendments: line 78: replace "of" with "or"; replace "contraction" with "construction". The motion passed 6-0.

6. PUBLIC HEARING

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a. **Site Plan Amendment** – Equitas Life Sciences LLC is proposing to update the existing exterior lighting in the parking area at 5 Oliver Wight Drive (Parcel ID 072-004-002) located in the Resource Preservation District-Industrial. One light fixture will be removed and the remaining four light fixtures will be updated.

Planning Technician McGregor began by noting that this is a relatively straightforward application to replace four light fixtures and completely remove the fifth, in order to improve light quality. She noted several changes to the proposed conditions, including striking Condition #9 (since there is no structure being built), striking everything but the first sentence of Condition #6 (since there are no changes to the plat).

Bryan Currier of O’Leary, Burke, and Associates, and Alan French of Equitas Life Sciences, LLC spoke on behalf of the Applicant. Mr. Currier began by noting that the property is located at the end of Oliver White Drive and is an existing commercial business in the Town with an existing site plan. He noted that this application pertains specifically to modifying five pedestrian-scale light fixtures located in one of the parking lots by removing one of them and replacing the remaining four. He noted that the new fixtures meet Town standards for being downcast, that they are lantern-style with LED lighting.

There were no questions from members of the Development Review Board.

Hubie Norton made a motion, seconded by Nick Martin to open the public hearing. The motion passed 6-0.

There were no public comments.

Dustin Bruso made a motion, seconded by Sharon Zukowski, to close the public hearing. The motion passed 6-0.

Dustin Bruso made a motion, seconded by Nick Martin, to approve the application as written with the following two changes: Strike Condition #9 and strike all but the first sentence of Condition #6. The motion passed 6-0.

b. **CONTINUED FROM 8/7/25 – Preliminary Subdivision** – Pinewood Manor Inc. is proposing a Planned Unit Development-Residential (PUD-R) located at 18 & 30 Timberlane Drive (Parcel ID 2-084-001-000 & 2-085-001-001) in the Medium Density Residential (R2) District, consisting of 10 single family homes on individual lots. Single family lots are accessed via 20;’ wide shared private drives.

Town Planner Johnson began by summarizing a memo regarding waivers for this application from Director Sonnick, as well as feedback from the Town Attorney and the Vermont League of Cities and Towns (VLCT). He noted that this application is seeking a zoning waiver for steep slopes and that the Town has received advice that the Zoning Regulations cannot be waived unless there is specific language in zoning that would allow for such waivers to slope impacts specifically. He noted that the Town’s Zoning Regulations do not contain provisions for steep slope waivers. He further noted that waivers that are provided for in the Subdivision Regulations don’t carry over into zoning regulations. He said that while the Applicant has scaled back its initial proposal to minimize its impact to steep slopes, the Town does not see a path forward for the DRB to grant a waiver for the steep slope regulations as written, and that staff recommends either denying the application or for the Applicant to withdraw the application. He noted that the Planning Commission is currently reviewing regulations related to steep slope impacts and could modify the regulations in future, which could allow the Applicant to pursue this project in the future. Board Member Martin asked whether the DRB could

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pursue a third option of continuing this application for six months or more, in the anticipation of zoning amendments from the Planning Commission that could allow this application to move forward, and Town Planner Johnson replied that this is also a suitable option. Board Member Zukowski asked if the waiver regulations also apply to construction standards, and Town Planner Johnson replied that he will need to follow up with that information. Board Member Zukowski and Board Member Brusco asked that the Town confirm which set of regulations would apply to an application during review (those that are in place when the application is submitted versus regulations that are modified during the application process).

Bryan Currier of O'Leary-Burke Civil Associates and Brian Marcotte spoke on behalf of the Applicant. Mr. Currier noted that an application is grandfathered under the regulations that are in place at the time of a completed application submission, which was a year ago for this particular application. He reiterated a point he has made throughout this process, which is that he does not believe the application requires a waiver as submitted, given that the regulations are silent on the definition of how steep slopes are calculated. He said that the DRB could exercise its judgment (as it has in the past) to approve this application, if they feel that this development comports with the intent of the regulations. He briefly noted that the project has followed the intent of the regulations by having a Town-approved Erosion Control Plan as well as a moderate risk construction general permit from the State. Town Planner Johnson noted that staff have recommended denying this application a number of times and that though it could meet engineering standards, it does not meet current regulations. He said his hope is that updating the regulations will allow for reasonable development on steep slopes in ways that follow best engineering and environmental practices.

Board Member Brusco said he would strongly advise the Applicant to withdraw its application under the current regulations and pursue this project when regulations are modified to be more clearly defined. Board Member Norton agreed that the current regulations are vague.

Dustin Brusco made a motion, seconded by Sharon Zukowski, to open the public hearing. The motion passed 6-0.

David Skopin asked whether the lots included in the project would require clearing of vegetation. He also expressed concern about the amount of erosion that would occur due to rainfall runoff on steep slopes and asked whether developments such as this are engineered to anticipate five or six inches of rainfall in a short period of time. He also asked about how the conservation buffer in the project area would be treated. He also asked about the length, width, and slope of the proposed shared private driveways. Mr. Currier replied that the project has an Erosion Control Plan, a State erosion control permit, and that the plan has been reviewed by a third-party engineer and the Town's Public Works Department. Patty Davis suggested that the Planning Commission review the BioFinder maps, and also suggested that the DRB review photos taken by Water Quality Director Costandi. Board Member Zukowski replied that the DRB has reviewed those photographs. Lorraine Zaloom noted that the Fire Chief and Police Chief have also cited other issues with this application other than the slope concerns, and urged the DRB to deny this application. Cheryl Van Epps said she would like the DRB to consider the regulations that deal with the health, safety, and general welfare of Town residents. She expressed concern about the topography of the development area and the location of driveways near where past runoff has occurred and asked where the houses would be located in relation to those past runoff areas. Natalee Braun spoke about the value of preserving woodlands in the face of climate change. She said that the regulations as written are clear and this application should have been denied at its first iteration, but recognized the amount of time the DRB and applicant have invested in this application. She said this process highlights a cautionary tale of the consideration of waivers in general. Joseph Krupa, an

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adjacent property owner, spoke about the regulations being written broadly enough in recognition of Vermont's diverse topography and geography. He noted several concerns he has had with discrepancies between the actual land and property lines and what has been shown on maps, and how this will ultimately impact his property and property line. Peter Hess, an adjacent property owner, spoke in favor of this project.

Board Members discussed the options for moving forward with this application. Board Member Bruso said he would like to deny the application or have the Applicant withdraw it. Board Member Norton said the application should be continued in light of new information, which warrants further discussion. Board Member Martin advised continuing the application. Board Member Zukowski said she would deny the application based on a number of issues. Board Member Williams said he would either deny or continue the application. Mr. Marcotte spoke as the Applicant, saying he would like to request a continuance. Chair Carroll said he would like to continue the application.

Board Member Bruso spoke about waivers and how they are useful to both developers and to residents in the Town, and also said that this application clearly has developable land that contains slopes that are above the 20% ceiling allowed by current regulations. He said that the most recent legal advice about how a waiver in this instance would be infeasible makes this application ultimately non-viable as currently proposed. He urged the applicant to withdraw until the Planning Commission works through potential zoning amendments. Board Member Norton said the regulations are unclear about whether development is prohibited on the whole parcel if part of it contains slopes greater than 20%, or if development is prohibited just on those slopes. He also acknowledged that there are issues with this application other than with slope, which also need to be addressed. Board Member Martin said that even if regulations change and a continuance is granted, the application could still be denied in the future if all issues aren't addressed. Board Member Williams said that new regulations would hopefully offer more clarity, which is why he would advise continuing or withdrawing the application. Board Member Zukowski said that the Town should be discouraging development on slopes over 15%, given high rates of bank failure and the Town's generally clay-heavy soils. She also noted that the application has other issues, such as satisfying Master Plan requirements and criteria as a Planned Unit Development, issues with driveway width, and topography concerns with location of building envelopes, and that she would lean toward denying the application. Chair Carroll said he would support continuing the application, given the amount of work and number of iterations this application has undergone. Mr. Currier said that the Applicant would be amenable to at least a six-month continuance. Mr. Skopin said he likely has a solid case if this were to go to court. Mr. Krupa said the Board should consider the timeline and impacts to other properties (such as his) in its decision on continuance. Ms. Zaloom said the Town's attorney provides clarity on the legality of this application regarding the slope issue, and said continuance presents a lawsuit risk.

Hubie Norton made a motion, seconded by Nick Martin, to continue this application to a date certain of August 6, 2026.

DISCUSSION:

- **Board Member Bruso expressed concern about a continuance, given that this application may still need to be reviewed under the regulations as written, not any future amended regulations.**
- **Board Member Norton said this continuance gives the Applicant the opportunity to continue working on other issues and questions raised as part of this public hearing, in addition to the slope issues.**

The motion failed 3-3 (Board Members Bruso, Williams, and Zukowski dissenting).

Dustin Bruso made a motion, seconded by Ian Carroll, to close the public hearing. The motion passed 4-2 (Board Members Norton and Martin dissenting).

Dustin Bruso made a motion, seconded by Sharon Zukowski, to approve the application as written. The motion failed 0-6.

Chair Carroll noted that a denial letter will be sent to the Applicant within 45 days of this public hearing.

c. CONTINUED FROM 9/4/25 – Site Plan Amendment and Preliminary/Final Minor Subdivision – Ely Family LLC is proposing a minor subdivision for footprint lots associated with a proposed duplex and existing commercial building located at 45 River Road (Parcel ID 2-024-006-001) located in the Mixed Use Development (MXD) District. The site plan amendment proposes to construct an 18'x55' addition to the existing River Road Beverage & Redemption Center in the rear of the building.

Town Planner Johnson began by noting that this application faces similar problems to the previous application, in that it is situated on a site with steep slopes of 20% or more. He noted other additional outstanding items to be resolved with the application, including making sure that circulation for the fire lane is designed to ensure fire access, providing lot coverage calculations to Town staff to ensure that lot coverage maximums are not exceeded for the commercial portion, and ensuring that no more than two dwellings are served by a single access point. He also noted that the loading zone for delivery vehicles may not be feasible due to the location potentially conflicting with emergency access around the building, that the DRB still needs to determine if the landscaping requirements have been adequately met, and the Applicant should provide information about existing lighting so that the DRB can see the entirety of the lighting context, in addition to what is being proposed for a new lighting plan. He finally noted several items raised by Public Works, including water service easement language requirements, water main ownership corrections, and that a stormwater management plan and phosphorus removal calculations be provided to the Town.

Board Member Zukowski clarified that no zoning regulations could be waived if a waiver process for specific regulations were not already provided for in the regulations, so she is unsure whether a waiver could be granted to allow three dwellings on five lots. Town Planner Johnson agreed that this is likely the case. Board Member Martin asked about the minimum lot area requirements, and Town Planner Johnson replied that for lots located in the water and sewer core areas, five units per acre are allowed, and that this is in line with State regulations. Board Member Martin also noted a potential typo on Line 462 related to a Public Works Department calculation, and Town Planner Johnson said he would look into this. Board Member Norton asked how this application meets the criteria for a minor subdivision, and Town Planner Johnson provided an explanation and said he would look into this further. Board Member Norton asked why the minimum lot frontage for off-site water and sewer are not applicable here, and Town Planner Johnson replied that there are both residential and non-residential components to this lot, and the residential portion does not have direct road frontage. He noted that the frontage for the commercial portion is 218 feet.

Bryan Currier of O'Leary- Burke Civil Associates, and Ray Ely spoke on behalf of the Applicant. Mr. Currier noted that with regards to the minor subdivision criteria, footprint lots like in this application don't follow conventional zoning standards and shouldn't be viewed as traditionally zoned lots. He also noted that in terms of easements, the project would tap a Town of Essex water main that is just off

the property, and they plan to obtain this easement from that adjacent landowner prior to construction. He spoke about emergency access, noting that they have moved the access to the eastern side of the property, and have ensured that emergency access is 20 feet around the entirety of the building. He said that they have requested detailed requirements from the Fire Chief about what is approvable, but that detail is still pending. He noted that the loading zone information was provided at the last DRB hearing on this application. He acknowledged that the property is non-conforming already, but that they are addressing some of the non-conformities in kind. He said that for lighting, they are proposing a pole-mounted light in the back of the parking lot and two building-mounted lights on the addition of the building, which should satisfy concerns about lighting on the back of the property. He noted that current lighting is halogen, and technology is unable to model it accurately, which is why they haven't provided a current state lighting plan. He said they do not have concerns with DPW's comments. He said that with regards to steep slopes, he recalled that at the previous hearing on this application it was stated that the scale of what is being impacted is minimal and that a waiver was not necessary. He said that because the location is where the Village used to have part of its water system, he believes the steep slopes to be manmade, and urged the DRB to consider that.

Board Member Zukowski asked if Mr. Currier believes the manmade slopes are more stable than natural slopes, and Mr. Currier replied that if this manmade slope is a junk pile, then yes. Board Member Martin asked where the Fire Chief would like emergency access to be located, and Mr. Currier replied that the Fire Chief has requested that it be located on the eastern side of the project. Board Member Norton asked about the calculation of commercial versus residential lot coverage, and Mr. Currier described his approach to calculating it. Board Member Norton asked about the pursuit of a waiver that three dwellings and five lots share a single right-of-way, and Mr. Currier replied that there are three units being accessed from a commercial lot (one in the front and two in the back), not an individual driveway to three residential units. He said that at the last hearing on this application, the Board was supportive of this approach. Town Planner Johnson said that he believes the intention is that no more than two dwelling units or lots should be traversing private property to access a main road. Board Member Norton asked if there would be plans for easements for the units that would need to access the commercial parking lot, in the event that they are sold. Mr. Currier replied that yes, there would be easements in place. Board Member Norton asked about Public Works' comments about water management. Mr. Currier replied that in response to the request for a stormwater management plan, he would propose installing a dry well at the base of the proposed driveway to capture runoff from the driveway and duplex. He said that the Town's requirements are stricter than the State's requirements and that he plans to submit a stormwater management plan to the Town. He also noted that this is a low-risk site with regards to erosion control, so they do not need to seek that type of general permit from the State; however, he said that they will voluntarily seek this permit, given concerns from this Board about slopes and erosion control. Board Member Norton asked about surveying for endangered species, and Mr. Currier replied that a survey is not required for this application. Board Member Bruso noted that staff have found that this project's level of impact is reasonable, minimal, and appropriate for the site's topography and vegetation, but there are still concerns about the areas with 20% slopes. He said that if the slopes are manmade and if the site were cleared, he asked whether the slopes would decrease, and Mr. Currier replied that he believed so, yes, given that the slopes in question are four-foot high humps. Town Planner Johnson said that he hopes that amendments to the regulations can help clarify how to approach this type of situation. Board Member Williams said that there should be consideration taken for manmade slopes for debris (such as piles of logs that will be cleared prior to construction) and the natural contours of the topography. Several Board Members discussed whether to consider manmade or artificial slopes as part of the steep slope requirements. Board Member Norton asked whether there is a different methodology that could be used to calculate where the 20% slopes are located. Board Member Bruso reviewed the photographs that indicate the debris piles and their

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locations, and agreed that they are located in the proposed footprint lots and where the steep slopes are located. He asked that these photographs be included in documentation for this application for further review and consideration.

Nick Martin made a motion, seconded by Dustin Bruso, to open the public hearing. The motion passed 6-0.

Patty Davis spoke about how debris needs to be cleared prior to construction, given that it is an unstable surface. She advised removing the debris and then doing the calculation of slope. Lorraine Zaloom said it may be helpful to have the Town attorney present for deliberations. She said it would be good to see the Police and Fire Chief's approval in writing prior to application approval.

Board Member Bruso said he would like to see the map that was provided to Public Works showing the debris as well as the photographs and description of the debris and their location on the map. Board Member Norton said he would like to see the stormwater management plan and more information about whether the Fire Chief has approved of the emergency access plan. Mr. Currier and Mr. Ely expressed frustration about the difficulty in coordinating with the Fire Chief and said that the Fire Chief has the information needed to make a decision, and asked that the Town provide them with guidance on how the application is or is not meeting code or regulation on that component. Chair Carroll said that he would coordinate with Town Planner Johnson on communication to the Fire Chief. Board Member Zukowski also asked that the Town seek clarification on whether having the one right-of-way is sufficient. Board Member Norton said that the project should consider more signage to direct traffic flow and prohibit parking in certain areas, and Mr. Currier said that there is already signage in place. Town Planner Johnson said he would also like to see updated lot coverage calculations to ensure that coverage doesn't exceed maximums.

Dustin Bruso made a motion, seconded by Nick Martin, to continue the application to March 5, 2026. The motion passed 6-0.

d. **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 2-072-001-000) located in the Resource Preservation District-Industrial (RPD-I).

Town Planner Johnson began by noting that the Applicant is proposing to have a new spec building on Thompson Drive and that the parcel is currently undeveloped. He noted several issues at first review, including the presence of steep slopes. He said that the site is predominantly flat and that the areas with slopes in excess of 20% seem minor, inconsequential, and remnants of previous activity on this parcel. He spoke about an easement between 35 and 55 Thompson Drive, to allow pond access for the public, but that this easement was never filed with the Town. He spoke about a proposal that staff have developed in order to provide connectivity and public access, and about a separate proposal that the Applicant has submitted to do the same thing. He recommended that the DRB needs to decide which approach to pursue and have that as a condition of approval, and also to include a condition of approval that the Applicant and their attorney work with the Town attorney to draw up language for an easement based on the approach that the DRB selects. He said that the Applicant is concerned about encouraging more access to private areas of the property than is necessary, and that that should be kept in mind. Board Member Norton asked why this application is proposing to force a trail connection to Thompson Drive, given that there is easy access from the Town-owned land to the pond. Town Planner Johnson said the Applicant has been willing to provide access and that there is a public benefit to be gained from that access.

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Bryan Currier of O’Leary- Burke Civil Associates, and David Shenk spoke on behalf of the Applicant. Mr. Shenk spoke about the easement from 1991 that was never filed properly, noting that the plat shows the two parcels and a 50-foot strip around the pond (which was what he based his proposed easement option on). He said he would support his proposed easement option over the option developed by the Town. He then walked the DRB through every instance of a slope greater than 20% on the site, noting that the vast majority of them will be levelled or smoothed during construction.

Board Member Norton asked why staff comments advise only partially paving the approved parking area, and Town Planner Johnson said that this could be used as a cost-saving measure for now, and the Applicant could obtain a Site Plan Amendment to pave the remainder if more space is needed, recognizing that this is a spec building and there is no tenant at this time. Board Member Norton said that Condition of Approval #19 should explicitly state that clearing limits should be clearly defined and marked before any clearing begins, to help preserve the area next to Thompson Drive.

Dustin Brusco made a motion, seconded by Nick Martin, to open the public hearing. The motion passed 6-0.

Patty Davis spoke about the traffic impact study, which concludes that at full 2030 buildout, no left turn lane or right turn lane are warranted at the Allen Martin Drive and Thompson Drive intersection, that turn lanes would increase pedestrian crossing distances and vehicle traveling speeds, and that there is no dedicated bicycle or pedestrian infrastructure. She said that this is a circular argument, as there are no bicyclists or pedestrians because this roadway is already unsafe. She noted that this road is not a fee-generating truck corridor designed or designated for industrial traffic, and expressed concern that project impacts are being shifted onto residential roads without proportional infrastructure or safety mitigation. Anne Miller said that warehouses and self-storage units are some of the least productive properties in terms of contributing to the tax base in Essex, and that she hopes that economic development be kept in mind during decision-making on this application. Adam Morse spoke about the easement options for trail access to the board, asking that the DRB consider an option that balances trail and parcel continuity with access. He noted that many of the developable parts of these parcels is flat, and that this conflicts with some of the more accessible parts of the existing trails (which are also flat). Dan Selicaró also spoke in support of having the best easement in place for maintaining continuity of the Saxon Hill trail loop.

Nick Martin made a motion, seconded by Sharon Zukowski, to close the public hearing. The motion passed 6-0.

Board Member Zukowski proposed a modification to Condition #5 and proposed an additional condition regarding signage, but other DRB members and the Applicant expressed concern and questions about enforcement and she withdrew these proposed conditions. Board Members expressed support for easement option #2, the Applicant’s proposed easement option.

Ian Carroll made a motion, seconded by Dustin Brusco, to approve the application as presented, with the removal of a typo in Proposed Condition #5, and the addition to Proposed Condition #2 such that prior to issuance of a zoning permit, the Applicant shall work with the Town to resolve easement issues in accordance with the DRB’s Findings beginning on line 510 above, which call for easement as presented by the Applicant. The motion passed 6-0.

7. OTHER BUSINESS: None.

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8. PROPOSED EXECUTIVE AND/OR DELIBERATIVE SESSION

- a. All meetings have a potential for an executive and/or deliberative session per 1 V.S.A. §313 & 312 (e)(f).

No executive or additional deliberative sessions were held.

9. READING FILE

- a. Upcoming DRB Application Schedule
b. Development Review Board section of Town Annual Report
c. Town Attorney Memorandum re: zoning regulations and waivers
d. Information from the Economic Development Commission
e. Public Participation Guide

10. ADJOURN

Dustin Bruso made a motion, seconded by Nick Martin, to adjourn the meeting. The motion passed 6-0 at 11:17 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

Approved this _____ day of _____, 2026
(see minutes of this day for corrections, if any)