

TOWN OF ESSEX DEVELOPMENT REVIEW BOARD
REGULAR MEETING
MINUTES OF MEETING
January 29, 2026

DEVELOPMENT REVIEW BOARD: *In person:* Ian Carroll, Chair; Stephanie Bixby, Clerk; Dustin Bruso; Hubert (Hubie) Norton; Nick Martin; *Online:* Sharon Zukowski, Vice Chair; Trefor Williams.
ADMINISTRATION and STAFF: *In person:* Kent Johnson, Town Planner.
OTHERS PRESENT: *Online:* Gina Halpin Barrett, Anne Miller, Cheryl Van Epps, Lois Whitmore, Lorraine Zaloom.

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

None.

3. AGENDA APPROVAL

Hubie Norton made a motion, seconded by Dustin Bruso, to approve the agenda as presented. The motion passed 7-0.

4. PUBLIC TO BE HEARD

a. Comments from Public on Items not on the Agenda
None.

5. APPROVAL OF MINUTES

a. Approve minutes from January 15, 2026

Dustin Bruso made a motion, seconded by Sharon Zukowski, to approve the minutes of January 15, 2026. The motion passed 7-0.

6. BUSINESS ITEMS

a. Discussion and possible action on the structure of the agenda and proposed changes (remove or modify "Public to be Heard" format of public hearing and when does the hearing begin, oath needed.)

The DRB discussed the process of structuring of the agenda and potential changes to it. Chair Carroll began by recalling that when the Vermont League of Cities and Towns (VLCT) conducted its training for the DRB, they noted that the DRB as a quasi-judicial body isn't required to have a public to be heard period for items that are not on the agenda. Mr. Bruso said that the public to be heard period's purpose is to add transparency and an opportunity for feedback from Town residents. Mr. Norton agreed with this, saying that providing an opportunity for feedback (with guardrails) is valuable. Ms. Bixby said she does not see the need for the public to be heard item on the agenda, given that the DRB's scope is specific to the applications on which it deliberates, and that members of the public have opportunities to provide feedback on regulations to the Planning Commission and the Selectboard. Mr. Martin agreed with Ms. Bixby, saying that a good number of the DRB's public attendees speak during public forum not as interested or impacted parties to specific application, but as members of the Town who are interested in learning more about current development. He said that as a judicial body, the DRB should consider removing this more legislative-style of public comment period. Ms. Zukowski said she would be amenable to removing the public to be heard period as long

as it gives people more time to speak during the public hearing portion of specific applications. Mr. Williams said he would support keeping the public to be heard period on the agenda, but asked what types of items the general public could speak to during this period, if it is limited to items not on the agenda. Mr. Norton asked if it would be appropriate for members of the public to opine on past DRB decisions on specific applications during the public to be heard period, for example. Chair Carroll said that it will be important to refine the DRB's definition of "interested parties" to ensure that those members of the public with an interest in specific applications are able to speak. Mr. Bruso agreed that the "interested parties" definition should be clarified, but said that the public to be heard portion of the agenda is valuable. Chair Carroll said he sees the value in having an opportunity for the general public to speak, but said this isn't the role of a judicial-style body like the DRB. Mr. Bruso said he would be reluctant to remove the public to be heard period entirely but suggested that it could be shortened to allow for more time to speak to specific applications. Ms. Zukowski agreed with Mr. Norton about the value of allowing opportunity for members of the public to speak on past DRB decisions or ask questions of the DRB if they have questions on process. Mr. Martin countered that there are a number of avenues to reach out to the DRB or staff on process than just at a public meeting of the DRB. Mr. Williams said he would still be in favor of allowing the public to be heard portion of the agenda to remain. Ms. Bixby said that the DRB could keep this item on its agendas, but perhaps hold it once per month rather than on every meeting's agenda. Chair Carroll suggested that the DRB could more clearly emphasize at the beginning of the public to be heard period that comments on regulations or zoning are best brought to the Planning Commission or Selectboard and that the DRB could more strictly enforce that during the public to be heard portion of the meeting, as well as emphasize that the public to be heard portion of the agenda is not to engage in debate or dialogue with the DRB. Mr. Bruso suggested keeping the public to be heard portion of the agenda on the agenda for now, but to re-evaluate its placement in six months (around July). Chair Carroll also suggested limiting the public to be heard portion of the agenda to 15 minutes, which could be extended at the Board's discretion. Other DRB members agreed with this approach, and suggested including it as an update to the DRB's procedure manual.

The following public comments were received:

Cheryl Van Epps asked if individuals and applicants are all sworn in under oath, and Chair Carroll replied in the affirmative. She asked about how the public should proceed if an individual fact-checks an applicant's statement and finds a discrepancy or correction that needs to be brought to the attention of the DRB, and Chair Carroll said that interested parties have the opportunity to bring that up during the public hearing for that application and that others can submit their fact-checking to DRB staff in writing.

Chair Carroll spoke about the oath, noting that it is administered just before the public to be heard portion of the agenda but that questions have arisen about administering the oath for any individuals who join the meeting after this point. Mr. Norton also asked about when the public hearing portion of the application begins, and whether it should be prior to staff beginning their review, or whether it should be after staff and applicants have provided their narrative. Mr. Bruso asked whether the DRB can continue discussion after the public hearing portion of an application is closed, or whether this is considered deliberation and should not be discussed at that time. Chair Carroll noted that this question will be discussed in Business Item #6b below. Ms. Zukowski said that each application is a public hearing, which should be opened at the start of each application item on a given agenda and closed when it ends. She agreed that a more defined process around deliberation should be developed and added to the procedure manual to avoid ambiguity. Chair Carroll agreed, saying that the DRB should think about using the deliberative session period rather than making decisions on applications during the meeting. Mr. Bruso cautioned that deliberative sessions don't include minutes, which could

99 decrease transparency around decision-making. Ms. Bixby expressed concern about new processes
100 making the DRB more inefficient and resulting in longer wait times on decisions for applicants. Ms.
101 Zukowski said that taking testimony and having staff reports, applicant narrative, public testimony,
102 and other information in writing in order to make a more informed decision at a subsequent meeting
103 may decrease the number of appeals made on applications. Town Planner Johnson spoke about the
104 value of having draft decisions written up prior to voting, and noted that the DRB has 45 days from a
105 public hearing to issue a decision on a given application. Mr. Bruso said it will be important for the
106 Chair to be cognizant of whether individual DRB members have enough information at the end of a
107 public hearing to make a decision. Mr. Martin agreed with Ms. Bixby's concern about inefficient
108 processes, but also noted that votes do not need to be unanimous in order to move forward. Mr.
109 Williams said that while he does not want to be inefficient, it still behooves the DRB to take its time
110 to thoughtfully work through the decision-making process for each application. Ms. Zukowski said
111 that the DRB has the responsibility to ensure that development proceeds according to the Town's
112 complex regulations and that decisions should not be rushed. Ms. Bixby said that if the DRB doesn't
113 have enough information to make a decision, they can continue a hearing rather than delay decision-
114 making. Chair Carroll suggested a procedure for the meeting after the first four agenda items where
115 there is a public hearing where every individual who is speaking to an application is sworn in, then
116 staff provides review and testimony, applicants provide narrative and testimony, the DRB solicits
117 testimony from interested parties, and then the DRB chair determines if everyone has enough
118 information to make a decision. At that point, the DRB would then close public hearing for that specific
119 application and either deliberate or render a decision on an application. Mr. Bruso suggested renaming
120 the "Public Hearing" portion of the agenda to make it explicit that that is the quasi-judicial portion of
121 the agenda. Mr. Norton also suggested stating explicitly when the public hearing portion of each
122 application begins and ends.

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124 b. Discussion and potential action on decision making and timing (ensuring that the DRB has a
125 written decision before voting, private deliberative sessions, voting at a later date)
126 See above for blended discussion of Business Items #6a and #6b.

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128 As part of the discussion on deliberating, members of the DRB expressed strong interest in having
129 official Town of Essex email addresses and accounts, in order to ensure a secure space for written
130 deliberation and communication between members and staff. Chair Carroll asked Town Planner
131 Johnson to take this request back for formal Town leadership consideration. Town Planner Johnson
132 said he will follow up on this.

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134 c. Discussion and potential decision on move towards a more judicial format of quasi-judicial.
135 Mr. Bruso began by noting that while the DRB does not want to limit the length of time taken for
136 interested party testimony, he asked whether the DRB can limit the number of a times an individual
137 provides spoken testimony for a specific application during a meeting. Chair Carroll said that yes, the
138 DRB can make this a requirement. The DRB then discussed whether Robert's Rules is used as a set of
139 guidelines or requirements, and agreed that the DRB can create its own set of rules for how it conducts
140 meetings but will generally follow Robert's Rules for articulating the flow of meetings.

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142 d. Review and possible amendments to the DRB Operating Procedures
143 Ms. Zukowski spoke about specific proposed amendments to the Operating Procedures. She noted that
144 regarding Section XIII (Conflicts of Interest), State statute is stricter and therefore the DRB must align
145 with State statute. She also noted that the Operating Procedures for the DRB do not include a section
146 on the power to reconsider, and suggested that a section be added that includes this language (and can
147 be lifted from the Planning Commission's Operating Procedures). Chair Carroll said that in the

**DEVELOPMENT REVIEW BOARD
(DRAFT)**

January 29, 2026

definitions section, the definition for “Vice Chair” should be moved from #N to be #E, and that a definition be added for “Town Staff”, to mean any staff member employed by the Town of Essex. Mr. Norton asked that either hyperlinks or an addendum should be added that includes the detailed State statute referenced in the Operating Procedures. Mr. Norton also noted that the start time for meetings in Section VII be changed from 6:00 PM to 6:30 PM. The DRB discussed how to handle motions to approve and motions to deny, and further about how to handle a tied vote. The DRB agreed that language stating that motions shall be made in the affirmative needs to be further clarified to avoid confusion. Mr. Norton said that VLCT’s feedback on this question is that the DRB issues its decisions through writing outside of Open Meeting Law requirements (rather than through formal motions made during meetings), and is able to deliberate after a public hearing in any manner it sees fit in order to produce a written decision, as long as the final decision is agreed upon by the majority of the Board. Town Planner Johnson said he would research this further and bring findings back to the DRB at its next meeting.

e. Discussion and possible action on a DRB Alternate or the need for up to 2 alternates based on proposed vote.

Chair Carroll began by noting that there is a proposed item on the Town’s annual meeting day ballot to reduce the DRB from a seven-seat board to a five-seat board. He said that the DRB has the ability to ask the Selectboard for up to two alternates, in order to ensure that quorum can be met. Ms. Bixby said that having alternates is helpful in instances where members are absent, in cases where a member has a conflict of interest, or if a member must step down in the middle of serving their term. They agreed that any alternate should be required to keep up-to-date on current applications. DRB members agreed to see how the Town votes and revisit this issue.

f. Discussion of and possible vote on adding a second DRB meeting each month.

The DRB discussed whether to formally add a second DRB meeting each month, or whether to add a second meeting only if needed. They agreed to keep the current schedule, which is to add a second meeting per month only when necessary.

g. Discussion on and possible vote on setting an end time for DRB meetings.

Chair Carroll noted that the current procedure places a limit of 3 hours per DRB meeting, and that the DRB must vote to extend a meeting beyond 3 hours if necessary. Board members agreed with this, and did not decide to include a specified end time for DRB meetings.

The following public comments were received:

Lorraine Zaloom suggested that there be more legal input or a legal presence at DRB meetings. She also said she would like to see more staff support and input on applications, such as more engagement and input from the Fire Chief. She also expressed concerns about commissioners serving on working groups and perceived conflicts of interest. Cheryl Van Epps expressed concern about limiting the number of times that interested parties are able to speak, especially if new information is being brought before the board and individuals are not able to have the opportunity to weigh in on it. Chair Carroll clarified that limits are intended to ensure that individuals are not making the same statements repeatedly during the course of a public hearing.

Mr. Bruso asked what written forms of communication are acceptable for the DRB and how corrections can be made to written approval and denial letters. Chair Carroll said that this should be discussed as part of this set of topics at the DRB’s next meeting, and Town Planner Kent said he would look into this further and bring back for discussion at the DRB’s next meeting.

**DEVELOPMENT REVIEW BOARD
(DRAFT)**

January 29, 2026

7. PROPOSED EXECUTIVE AND/OR DELIBERATIVE SESSION

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

9. READING FILE

a. DRB Public Participation Guide – also available on essexvt.gov

10. ADJOURN

Nick Martin made a motion, seconded by Stephanie Bixby to adjourn the meeting. The motion passed 7-0 at 9:17 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

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