

TOWN OF ESSEX DEVELOPMENT REVIEW BOARD
REGULAR MEETING
MINUTES OF MEETING
February 19, 2026

DEVELOPMENT REVIEW BOARD: *In person:* Ian Carroll, Chair; Sharon Zukowski, Vice Chair; Stephanie Bixby, Clerk; Dustin Brusco; Nick Martin; Hubie Norton; Trefor Williams

ADMINISTRATION and STAFF: *In person:* Kent Johnson, Town Planner; Brittany McGregor, Planning Technician.

OTHERS PRESENT: *In person:* Bryan Currier, Robert Hill. *Online:* Andrew Albright; Kendall Chamberlin.

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

Chair Carroll proposed adding a business item to be #7a, quick discussion regarding withdrawal of site plan for Essex Resort Holdings.

3. AGENDA APPROVAL

Board Member Brusco made a motion, seconded by Board Member Zukowski, to approve the agenda as amended. The motion passed 7-0.

4. PUBLIC TO BE HEARD

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

5. APPROVAL OF MINUTES

a. Approve minutes from January 29, 2026 and February 5, 2026

Board Member Zukowski made a motion, seconded by Board Member Brusco, to approve the minutes of January 29, 2026 and February 5, 2026 with amendments to the February 5, 2026 meeting minutes. The motion passed 7-0, with modifications to the February 5, 2026 minutes as follows:

- Line 58: replace “bugger” with “buffer”;
- Line 269: note that Nick Martin, not Hubie Norton, was dissenting vote; and
- Line 278: note that Nick Martin, not Hubie Norton, was dissenting vote.

6. PUBLIC HEARING

a. **Sketch – Minor Subdivision** – Robert Hill and Laura Shea are proposing a 3-lot subdivision located at 835 Old Pump Road (Parcel ID 2-012-030-001) located in the Conservation (C1) District. The proposed 3 lots consist of the following acreages. Lot 1 is proposed to be +/-10.54 acres spanning the Jericho Essex town boundary with $\pm$ 0.63 acres in Jericho, including the existing home, and the remaining +/-9.91 acres in Essex. Lot 2 is proposed to be +/-13.59 acres in Essex with access through Jericho and is proposed for future residential use. Lot 3 is proposed to be +/-12.39 acres in Jericho.

Board Member Martin made a motion, seconded by Board Member Zukowski, to open the public hearing. The motion passed 7-0.

Planning Technician McGregor noted that this minor subdivision is for three lots, one of which has an existing home and barn, access through Jericho, and is just shy of ten acres in Essex (which is a non-conforming lot). She noted that the second lot has plenty of acreage in Essex, so that they could move acreage from Lot 2 to Lot 1 if needed. She said that this lot has access through Jericho with frontage in Essex, given the amount of wetlands on the lot's Essex portion. She noted that both the Zoning Administrator and Public Works staff are amenable to the proposed curb cut, and that since the driveway to Lot 2 is around 930 feet, they recommended having a series of pull-offs. She said that staff is recommending a building envelope on Lot 2 due to the wetlands, but that this is a relatively straightforward subdivision. Board Member Norton noted that the property line runs through the existing house on Lot 1. Board Member Martin asked for the rationale for the Zoning Administrator's curb cut approval, and Planning Technician McGregor replied that because this is a private driveway, the proposal is acceptable to the Town. She said that because the Town has sketch plan approval and final approval, but that Jericho only has a one-step development application process, the Applicant had submitted sketch for approval to the Town first, but will submit preliminary and final once it submits the application to Jericho. She said that Jericho has seen the initial plans prior to submission and has not raised issues with them. Board Member Brusco said that this application seems to contain two non-conforming lots, not one, saying that the Town is not able to enforce its road construction standards (for driveway pull-offs) if the driveway for Lot 2 is in Jericho. Planning Technician McGregor said that she will look into this concern and Jericho's regulations further.

Bryan Currier of O'Leary, Burke, and Associates and Robert Hill spoke on behalf of the Applicant. Mr. Currier said that current state is one lot at 36 acres split almost 50/50 between the Town and Jericho. He said that this would end up being a split intermunicipal parcel with a 100% conforming parcel in Jericho and a 100% performing parcel in Essex. He said that he believes that Lot 2 as proposed would meet the minimum lot size, frontage, and setback requirements for Essex. He pointed out that access requirements are public works standards, not zoning regulations, and that they don't stipulate whether that access has to be in the Town. He said that the only piece of this that could be non-conforming from his perspective is Lot 1, but that this lot is more difficult given that the municipal boundary runs through the house. He said that they can ensure that they'll have enough acreage to meet the C1 zoning regulations. He said that they will adhere to approval conditions for pull-offs, but acknowledged the uniqueness of this intermunicipal set of parcels. He reiterated that the access will be through Jericho because there is a large wetland on the Essex side of the parcel in question. Mr. Hill pointed out that his neighbor has a similar but opposite situation for their own parcel, in that their driveway is in Essex but their house is in Jericho. He said that their motivation for this proposal is to subdivide their property to construct a retirement home on Lot 3 and leave the remaining two lots to their children at some point. He said they would be comfortable adding pull-offs to the driveway in question to conform to whatever is needed. Mr. Currier said that they are at this point looking for clarity on whether this is a two-lot or three-lot subdivision.

Board Member Norton asked if there could be another dwelling unit on Lot 1, and Planning Technician McGregor replied that the regulations would allow for a second home or Accessory Dwelling Unit (ADU). Chair Carroll asked which municipality would service the driveway in an emergency, given the intermunicipal nature of the parcels in question, and that the Town's Fire Department has requested that the emergency access meet NFPA standards and be at least 20 feet wide. Mr. Hill said that they will construct any access based on the requirements of both municipalities. Board Member Bixby asked if there has ever been a situation in which the municipalities of Jericho and Essex have collaborated to approve applications that straddle their municipal boundaries. Planning Technician McGregor replied that there are several lots that straddle municipalities and have had approvals, so there is precedent. Mr. Currier said that if the driveway is an issue, they could have the house on Lot 2 further down to

shorten the driveway. He said that alternatively, they could have a single driveway instead of sharing the driveway, in order to be more accommodating to some of the Town's comments. Board Member Martin asked what limitations there would be to placing the house on Lot 3 instead of Lot 2 (which is what is proposed). Mr. Currier said that they could do this, as long as they have the acreage in Essex but could put the house on the Jericho side.

Kendall Chamberlin, an interested party and neighboring landowner, spoke in favor of the Applicant's proposal and said that they have been great neighbors.

Town Planner Johnson said that he likes the idea of placing the house on Lot 3 and asked if this is feasible. Mr. Currier replied that it is, but it would create a second municipally-split lot. Town Planner Johnson also noted that having a residence in one municipality and access through another municipality in itself is not an insurmountable issue, given that access easements across private property happen all the time. Mr. Currier said that he could not find anything in the Town's regulations that prohibit what this application is proposing, but that the issue seems to be more that Board Members are reluctant to assume that the Town of Jericho will not enforce its own zoning regulations and standards.

Board Member Bruso made a motion, seconded by Board Member Zukowski, to close the public hearing. The motion passed 7-0.

Board Member Norton said he is in support of this proposal, given that the Applicant has stated that they will conform to the safety standards articulated by the Fire Department and that they have a right to use their land how they see fit, within the confines of the regulations. Board Member Williams agreed. Board Member Martin pointed out that if this application is approved by the Town of Jericho, then the Town of Essex would have an assurance that Jericho would enforce its driveway and access regulations on the proposed lots, and then Essex would have enough information to make its own final decision. Board Member Zukowski said she is in support of the proposal but would like to explore shortening the driveway. Board Member Bixby said that this proposal seems to be a reasonable use and likes Board Member, Martin's suggestion of seeing how Jericho weighs in before the Town approves the final application. Board Member Bruso said he is not in support of this proposal and that the applicant needs to address the driveway and access concerns prior to DRB approval. Chair Carroll said that he does not see any issue with constructing a house on the Essex portion of the lot, but he has questions about the length of the driveway and acknowledges that Essex doesn't have jurisdiction over the driveway standards. He said that he would like an update when this application goes through Jericho's processes, and would also like information on what Jericho's standards are, but he is in support of the application at this juncture.

7. BUSINESS ITEMS

a. Discuss withdrawn site plan application for Essex Resort Holdings

Chair Carroll noted that this application was withdrawn while the DRB was in deliberations and that no decision has been made or needs to be made at this time.

8. Further discussion and action, if necessary, regarding Operating Procedures

Chair Carroll noted that this topic has been discussed at the last several DRB meetings. He said that discussions have included the timing of swearing in witnesses and opening public hearings, making the distinction between deliberations/discussions and deliberative sessions for DRB meetings, minor changes to the Operating Procedures to reorder certain terms and add certain definitions, replacing references to the conflict of interest policy with a reference to State statute on this topic, modifying the start time in written procedures to 6:30 P.M., processes around written corrections to communications

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or approvals, removal of the consent agenda from the DRB agenda, and obtaining Town email addresses for DRB members.

Town Planner Johnson said that email licenses would cost approximately \$1,000 per year for the DRB to have official Town email addresses and that there is some accompanying administrative work to set up those accounts. He said that if these accounts would only be used to schedule meetings or deliberate on applications in writing, they would not be subject to public records requests. He said that if the DRB would like to pursue obtaining official Town email accounts, the Town Manager has requested that they put together a proposal of their ask. DRB members expressed general support for putting together a proposal to request official Town emails.

Chair Carroll then discussed the other remaining open items noted above. He spoke about the timing of the swearing in of witnesses and opening public hearings. He said that from his perspective, it makes the most sense to swear everyone in at the beginning of the meeting and open and close the public hearing specifically for each application, and swear in any late-joining meeting attendees as they join. Other DRB members agreed with this approach. He spoke about making a distinction between deliberative sessions and deliberations/discussions, saying that deliberations can be public or private and that a deliberative session can also be public or private (but must be specified). The DRB reviewed the State statute language around executive sessions in order to make this determination. Board Member Zukowski brought up items for inclusion in the Operating Procedures pertaining to prior Planning Commission procedures, such as reconsideration processes and timelines. Board Member Bruso spoke about the structure of the staff report template for applications, specifically focusing on the “DRB Additional Findings” section, its purpose, and where it should fall in the report itself. He said that it is a useful section for codifying decisions made during a DRB meeting on a particular application. Town Planner Johnson said that the DRB could insert content into the “Additional Findings” section once he provides them with a draft staff report for an application. He said that staff can also explore ways to make it clearer when staff reports have been updated with new relevant information.

Board members requested the following updates to the operating procedures: Clarify deliberations and deliberative session in the glossary, move chair, vice chair and clerk to the top of the glossary, add in a definition for staff, correct meeting start time, outline the structure of opening and closing a public hearing, outline how members of the public will be sworn in, add reconsideration, update ethics section to state regulations, clarify additional findings by the DRB section in approval letters, remove consent agenda item section.

9. OTHER BUSINESS

Board Member Bruso said that it should be common practice if a sitting member of the Selectboard is testifying on an application that they should identify themselves as acting either in an official capacity or as a private citizen. Chair Carroll said that he will note this.

10. 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).

11. READING FILE

- a. Upcoming DRB Applications
- b. Letter from the Public

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12. ADJOURN

Board Member Norton made a motion, seconded by Board Member Williams, to adjourn the meeting. The motion passed 7-0 at 8:07 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

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

DRAFT