TOWN OF ESSEX DEVELOPMENT REVIEW BOARD
REGULAR MEETING
MINUTES OF MEETING
March 5, 2026

DEVELOPMENT REVIEW BOARD: *(In person):* Ian Carroll, Chair; Sharon Zukowski, Vice Chair; Stephanie Bixby, Clerk; Nick Martin; Hubie Norton; *(Online):* Trefor Williams;
ADMINISTRATION and STAFF: Kent Johnson, Planner.
OTHERS PRESENT: *(In person):* Bryan Currier, Ray Ely, Ken Signorello; *(Online):* Cheryl Van Epps.

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 requested adding a business item to discuss next steps after Town Meeting Day.

3. AGENDA APPROVAL
Board Member Norton made a motion, seconded by Board Member Zukowski, to approve the agenda as amended. The motion passed 6-0.

4. PUBLIC TO BE HEARD
a. Comments from Public on Items not on Agenda
None.

5. APPROVAL OF MINUTES
a. Approve minutes from February 19, 2026
Board Member Zukowski made a motion, seconded by Board Member Bixby, to approve the minutes of February 19, 2026. The motion passed 6-0.

6. PUBLIC HEARING
a. **CONTINUED FROM JANUARY 15, 2026 – Site Plan Amendment and Prelim/Final 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)m 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.

Board Member Martin made a motion, seconded by Board Member Zukowski, to open the public hearing. The motion passed 6-0.

Planner Johnson began by noting that the agenda packet contains photographs of the site that had not previously been included in the application. He also noted updated materials from the applicant, but that the application has not been modified and the staff report has not been modified since the last hearing.

Planner Johnson reviewed the open items of concern in the staff report. He noted that staff recommend that the DRB require the Applicant to provide their lot coverage calculation methodology for review so that its accuracy can be determined, and he noted that the Applicant has done so and that it complies with regulations. He noted the design conflicts with zoning regulations which states that not more than two dwellings or lots can be served by a single right-of-way (driveway) and that the DRB should determine if the design is acceptable (having three dwellings and five lots accessing the right-of-way) and, if so, whether a waiver request is required. He noted that the Police Department and Fire Department have expressed concerns that the circulation routes for emergency vehicles may be infeasible. He said that he has discussed this with the Fire Chief, who indicated that the concerns regarding circulation design can be suitably mitigated if a residential sprinkler system is installed in the duplex (and that sprinkler design would need to be submitted to the Fire Chief as a condition of approval). He noted that the Applicant seemed agreeable to this approach. He noted that the design proposal would impact steep slopes and that the Applicant had previously provided a waiver request. He noted that the Applicant has provided new information to remove data from the plans indicating location of some steep slopes, given that those slopes were the result of uncleared debris and were erroneously depicted as steep slopes. He noted that the topographical information still shows the presence of steep slopes, and he suggested that the Applicant explain this issue further to the DRB. He noted that the parking lot design is unclear and the loading zone area for delivery vehicles may be infeasible. He said that this seems like more of an issue for the Applicant rather than a conflict with regulations, but the DRB should consider this. He said that the DRB should determine if the landscaping requirements have been adequately met. He noted that the Applicant is proposing to provide some new exterior lighting and that their lighting plan meets requirements. He noted that there were several Public Works-related items and that the Applicant is willing to address their comments. These include water easement language, watermain ownership corrections needed on plans, a stormwater management plan, and the inclusion of phosphorus removal calculations. He further noted that after the staff report was conducted, an additional comment was received from the Conservation and Trails Committee, which recommended that privacy screening of bushes and shrubbery be installed for Unit #2 given that there is an established walking trail to the west of the property. He concluded by noting that the biggest issue for the DRB's consideration and resolution tonight is related to the impacts on steep slopes and whether the DRB is comfortable approving this application.

Board Member Zukowski asked if issues with the loading area were resolved, and Planner Johnson replied that the Fire Chief was satisfied with the design as is, as long as a residential sprinkler system could be installed in the duplex. Board Member Norton asked for further information on the Conservation and Trails Committee's recommendations. Planner Johnson noted that there is a water main easement on the western side of the property, which is being used as a walking trail, and that any clearing would expose Unit #2 to this water main easement area. He said that in order to provide privacy, the Applicant could think about not clearing all of the trees or could provide vegetation screening.

Bryan Currier of O'Leary, Burke, and Associates, and Ray Ely spoke on behalf of the Applicant. He noted that they have withdrawn their steep slopes waiver request, given that the steep slopes were manmade. He said that concurrently, they removed from the site plan the demarcation of the manmade steep slopes. He spoke about the water main easement and trail, saying that the Applicant is amenable to screening in that area. He noted that included in the proposal is a dry well as part of the stormwater management plan, saying that it meets applicable coverage requirements and standards, as well as a swale. He further noted that the Applicant included a construction general permit from the State in the proposal, saying that the State deems this to be a low-risk project due to the limited amount of disturbance. He reiterated that the Applicant is amenable to installing a sprinkler system in the duplex.

Board Member Norton asked if there is circulation signage (entrance and exit) proposed for this project, noting the lack of signage in the circulation plan. The Applicant was amenable to including this signage. Board Member Zukowski aske about the status of the 20-foot-awide permanent waterline easement. Mr. Currier replied that the request is for the Applicant to obtain an easement from the adjacent landowner as a condition of final approval. Board Member Martin asked if there is proposed parking signage for renters. Mr. Currier replied that they do not plan to conduct parking striping for residents at this time.

Board Member Bixby made a motion, seconded by Board Member Zukowski, to close the public hearing. The motion passed 6-0.

Board Member Martin said that the majority of items brought up at the last hearing on this application have been resolved. Board Member Zukowski noted that there are still outstanding questions related to the shared driveway and the steep slopes, even if those slopes are manmade. Chair Carroll agreed that the regulations don't differentiate between manmade and natural steep slopes. Planner Johnson compared the topographical maps from the January hearing and the current hearing, noting that the Applicant is proposing to flatten the steep (manmade) slopes that were in the area that the proposed building would be constructed, and create new steep slopes to the left and right of the building.

Board Member Zukowski made a motion, seconded by Board Member Williams, to re-open the public hearing. The motion passed 6-0.

Mr. Currier showed on the map where the steep slopes were manmade and therefore are being proposed for excavation and removal. He spoke about other DRB applications where manmade steep slopes were included in proposals and were approved. Chair Carroll said that the steep slope regulations are to address erosion and runoff, and that removing steep slopes means decreasing the risk of runoff and erosion. He said in this instance, concerns related to soil erosion are addressed by removing those manmade steep slopes.

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

Board Member Zukowski asked about the conflict with zoning regulations that not more than two dwellings or lots can be served by a single right-of-way, and Chair Carroll noted that this is mitigated by the installation of a sprinkler system in the duplex, given that those concerns stem from emergency response and public safety concerns. Board Member Bixby said that from her perspective, the driveway starts at the commercial parking lot and there are only two units sharing that driveway. Other Board Members said they are comfortable with the design and right-of-way as proposed.

Board Member Norton made a motion, seconded by Board Member Zukowski, that the Development Review Board approve the application as presented, with the following conditions: Modify the last sentence of proposed condition #17 to read: "and shall install and/or maintain a Supra Key Box, with current emergency contact information for the commercial building."; Modify proposed condition #23 to strike "concrete markers and"; Strike proposed condition #3, as it is duplicative of proposed condition #24; Add a condition that a sprinkler system is installed in the residential units in the duplex that meet requirements, as approved by the Fire Chief; and Add a condition requiring the Applicant to provide screening for the westerly side of Building #2 for adequate screening to the water main easement area. Further, the Development Review Board includes the following "Additional Findings" from the public hearing: Note additional testimony from the Applicant, Town staff, Public Works, and the Fire Chief; Include updated

map showing reduction in steep slopes and side-by-side comparison to prior topographical map. The motion passed 5-1 (Board Member Zukowski dissenting).

7. BUSINESS ITEMS

a. Review and approve DRB Operating Procedures

Board Members discussed further edits for inclusion in the DRB Operating Procedures. Board Member Martin requested that in Section XV(C), "Boad" be replaced with "Board" in the last sentence. Board Member Zukowski noted that the 30-day appeal period for reconsiderations be included in Section XI(G), to align with State statute, and the hyperlink to State statute be included. Board Members discussed Section VIII (Public Hearings and Order of Business), and agreed that including an illustrative example of amending rules to place time limits on participation is helpful. Board Member Zukowski asked that language be added to this section to allow interested parties to cross-examine (Section VIII[F-G]). Board Member Norton suggested modifying Section VIII(B) to include that the oath be administered to anyone wishing to speak or present testimony. Board Member Zukowski spoke about Section XIII(C)(2), noting that the Selectboard's recusal policy is stricter and requires the conflicted party to exit the meeting during the proceeding. She recommended that the DRB procedure align with the Selectboard's procedure. Board Member Zukowski asked that in Section V, alternates be designated, not appointed. Board Member Zukowski asked that in Section VIII(H), the word "adjourn" be replaced with "continue." Board Member Zukowski asked that in Section VII(C), it be clarified that board members (rather than just members) can participate by a virtual meeting platform. Board Member Zukowski asked that in Section VII(M), "or for the public" be replaced with "and for the public."

Chair Carroll said he will work with staff to compile these edits and present a final draft of the Operating Procedures at a future DRB meeting in either April or May.

b. Discuss next steps after Town Meeting Day

Chair Carroll noted that the Town Meeting Day vote to reduce the Town's Development Review Board size from seven members to five members passed, which will take effect through natural attrition as the next two terms expire. He said that those two terms are for Board Member Bruso and Board Member Williams, and they expire on June 30, 2026. He suggested that the DRB makes a strong recommendation to the Selectboard to consider appointing alternate DRB members, in order to ensure that the DRB can meet its quorum. Board Members discussed this suggestion. Board Member Williams said that appointing alternates is a flexible option. Board Member Norton expressed concern that alternates would need to attend every DRB meeting in order to stay up-to-date on applications. Board Member Bixby expressed support for asking the Selectboard to appoint alternates. Board Member Zukowski also expressed concern about alternates. Board Member Martin said he can see the advantages and disadvantages to having alternates. Chair Carroll said he does not think alternates have to attend every meeting, but can stay up-to-date by viewing recordings and can communicate with Board Members. He said it would be unfortunate to have to cancel meetings if there is a lack of quorum. He also noted that Board Member Bruso has submitted his resignation, effective immediately. The DRB was split on whether to recommend that the Selectboard appoint alternates at this time, and did not move forward with that recommendation.

8. OTHER BUSINESS

None.

9. READING FILE

a. Upcoming DRB applications

10. <u>PROPOSED EXECUTIVE AND/OR DELIBERATIVE SESSION</u>

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

11. <u>ADJOURN</u>

Board Member Bixby made a motion, seconded by Board Member Zukowski, to adjourn the meeting. The motion passed 6-0 at 8:14 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

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