TOWN OF ESSEX DEVELOPMENT REVIEW BOARD
REGULAR MEETING
MINUTES OF MEETING
May 7, 2026

DEVELOPMENT REVIEW BOARD: *(In person):* Ian Carroll, Chair; Sharon Zukowski, Vice Chair; Nick Martin; Hubie Norton; *(Online):* Stephanie Bixby, Clerk; *(Absent)*: Trefor Williams.
ADMINISTRATION and STAFF: Kent Johnson, Planner.
OTHERS PRESENT: Bryan Currier; Al Senecal; Jeff Olesky. (*Online*): David Whitmore; Lois Whitmore; Nick Ovitt; Cheryl Van Epps; Irene Wrenner; Dana.

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

Board Member Martin made a motion, seconded by Board Member Zukowski, to approve the agenda as written. The motion passed 5-0.

4. PUBLIC TO BE HEARD

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

5. APPROVAL OF MINUTES

a. Approve minutes from April 2, 2026

Board Member Zukowski made a motion, seconded by Board Member Bixby, to approve the minutes of April 2, 2026 with the correction of the typo on line 46, 47 and 48, add "side yard" on line 86 and 91, line 137 correct to "a Vermont Land Surveyor". The motion passed 5-0.

6. PUBLIC HEARING

a. **Site Plan -** Dana Kamencik and David Richards Jr. are proposing a site plan application at 235 River Road (Parcel ID 2-004-010-001) located in the Medium Density Residential (R2) district. The applicant is proposing to demolish the existing four-unit, two-story residential apartments and storage and construct a ten-unit, two-story residential apartment building with associated parking.

Board Member Zukowski made a motion, seconded by Board Member Norton, to open the public hearing. The motion passed 5-0.

Town Planner Johnson began by displaying a map of the existing conditions on River Road and the proposed construction of a new apartment building and associated parking on the site. He noted several items in the staff report for the Development Review Board (DRB)'s consideration. He began by noting the Essex Fire Department's request for clarification regarding the location of sprinkler/water control systems. He noted that the Applicant is aware of these comments and will make modifications to address concerns, and that there is a proposed condition of approval stating as such. He noted Essex Police Department's requests that addresses be clearly marked and that there is adequate lighting for parking in the parking area, and that there is a proposed condition of approval requiring more detailed lighting plans and address signage. He also noted that the plan shows steep slopes but that the impact of those slopes seem to be acceptable in this application, given that the impacts behind the building appear to have been disturbed from previous development. He said that there is precedent for the DRB to approve steep slopes like this, given that it is a small area and that there is little risk of runoff or erosion in this instance. He noted that the plans have street trees along the River Road frontage spaced 25 feet apart, though the regulations require 50-foot spacing for street trees, but that staff have determined that closer tree spacing is acceptable. He noted that the plans also have street trees planted more than five feet inside the property line, though regulations require street trees planted no more than five feet inside the front of the property line. He recommended that the DRB require adjustment of this. He noted that the Applicant is proposing six serviceberry trees, which may be too small to meet regulations, and that staff recommend the Applicant confirm that they will be the appropriate size for planting. He noted that the frontage along Sand Hill Road does not have sufficient screening and that staff recommend requiring updated landscaping plans to include required landscaping to screen the parking area along that road. He noted that lighting has not been proposed for the parking area, but that staff recommend lighting for the parking area and behind the building. He noted that the application does not include a lighting plan and that a waiver for a lighting plan could be possible. He noted that Public Works had comments related to trees over an existing gas line and that their recommendation was to remove or relocate those trees. He noted comments from the Parks and Recreation Department to allow for future sidewalk or bike lanes along River Road. He noted that while River Road has adequate space for this, the Sand Hill Road frontage does not allow for this and would require an easement (which the DRB should discuss). He said the Applicants would be amenable to this type of easement, and that this would align with the Town's vision for future multimodal transportation networks.

Board Member Zukowski asked about the steep slope regulations and how this application fits into those regulations. Town Planner Johnson said that staff are trying to apply existing regulations in a common sense way, though it is difficult to apply them as written to certain applications. He said that there does seem to be a distinction between manmade steep slopes and natural steep slopes in the context of previously-approved applications, and said that the DRB may ultimately decide that this application may not be allowable under the current steep slope regulations. He showed the impacts to the areas that are over the 20% steep slope threshold, saying that they would be regraded or removed. Board Member Martin noted that there are no entrances or exits proposed for the rear of the building and asked why staff are recommending lighting in that area. Town Planner Johnson noted that the flat area in the rear of the building would be a common space for residents, and that lighting would allow residents to use that area for longer periods of time. Board Member Martin asked if the existing left turn lane is adequate to access the proposed property, and Town Planner Johnson replied that VTrans has reviewed the plan and did not cite concerns.

Jeff Olesky of Catamount Consulting Engineers spoke on behalf of the Applicant. He provided a brief overview of the project. He said that the current property is on 2 acres and has an existing non-conforming structure, and that they are proposing to remove that structure and provide residential housing on the property. He said that the proposal attempts to meet the regulations and address the constraints of the property. He noted that the location of the steep slopes on the property drove the design of the current proposed plan, saying that the proposed plan attempts to both stabilize the natural slopes and manage stormwater in the area and would only disturb a portion of the man-made slopes on the site. He described the proposed swales in the proposed plan that would affect the manmade slopes and stabilize the natural slopes. He spoke about Agency of Transportation (AOT) approval for the curb cut associated with the plan. He also noted that though the plan to does not require a State stormwater construction or discharge permit, AOT does require stormwater design and pre-and-post modeling for a 50-year rain event, and spoke about the stormwater infrastructure that was designed to accommodate this requirement. He spoke about space constraints for the site, which drove the design of the current landscaping plan and stormwater accommodations. He said that the proposed landscaping design balances providing adequate screening while minimizing negative impacts for sight distances entering and exiting the road intersections. He spoke about lighting, saying that they are proposing recessed lighting for the ten residential units in the building and that additional parking lot lighting wouldn't be necessary for a parking area in such close proximity to the building, though they would be willing to take this into consideration. Board Member Martin asked why both bicycle racks are on one side of the building, and Mr. Olesky said they could revise this if it is the preference of the Board. Board Member Martin asked about a potential easement for future bicycle or shared use path infrastructure, and Mr. Olesky replied that the property owner is amenable to this, though it may be difficult to develop a path in this location given existing infrastructure and space constraints. Board Member Norton asked whether the Applicant would be amenable to more modest landscaping along Sand Hil Road, and Mr. Olesky replied that they could include shrubs for screening. Board Member Zukowski asked for more detail about the recessed lighting for each residential unit, expressing concern that there may not be enough lighting for the parking area, but recognizing that too much lighting could have an environmental impact or for other residents. Chair Carroll asked the Applicant to put together a lighting plan of the current design for the Police Department's review.

Board Member Zukowski made a motion, seconded by Board Member Norton, to open the public hearing for interested parties. The motion passed 5-0.

Cheryl Van Epps asked about potential sound mitigation efforts to the residential units from Sand Hill Road. She also asked whether the common area in the back of the residential units is ADA accessible. Mr. Olesky replied that he can't speak to sound mitigation efforts, and noted that due to the steep slopes on the site, the common area behind the units is not ADA-compliant (and that it is not required to be ADA-compliant). Lois Whitmore asked about snow removal on the site and whether it would impact sight lines. Mr. Olesky replied that snow removal and storage is planned for the east and west sides of the parking lot.

Board Member Zukowski made a motion, seconded by Board Member Martin, to close the public hearing for interested parties. The motion passed 5-0.

Board Members discussed the application. Board Member Bixby said that the Town's steep slope regulations leave some room for interpretation and concurred with Town Planner Johnson that they can be applied to each application in a common sense way, and said that she would be comfortable with the application as long as the Police Department is comfortable with the Applicant's proposed lighting plan, once it is submitted. Board Member Norton agreed with Board Member Bixby, and said he would like to see additional street shrubs proposed for the Sand Hill Road frontage. Board Member Zukowski agreed that the lighting plan should be reviewed and approved by the Police Department as a condition of approval for the application, but said she has reservations about the application in the context of the Town's steep slope regulations. Board Member Martin agreed with Board Member Bixby. Chair Carroll noted that he would be comfortable with the lighting as proposed, given that the intersection may provide enough ambient lighting to address safety concerns. Town Planner Johnson said they could draft conditions of approval that would ensure that any proposed lighting plan satisfies the Police Department's requirements prior to issuing any permits.

Board Member Zukowski made a motion, seconded by Board Member Bixby, to move to private deliberations. The motion passed 5-0.

b. **Conditional Use Amendment** - A&C Realty are proposing to excavate 150,000 cubic yards of ledge and overburden in Greystone Industrial Park at 123 Old Colchester Road (Parcel ID 2-095-001-001) located in the Industrial (I1) and Agricultural Residential (AR) districts. Overburden soil will be reused onsite and blasted ledge will be crushed and moved offsite.

Board Member Zukowski made a motion, seconded by Board Member Martin, to open the public hearing. The motion passed 5-0.

Town Planner Johnson noted that this application is to amend the previous conditional use, which is for the extraction of further earth resources in order to complete the site as envisioned some time ago. He displayed a map showing where the extraction of earth would occur, so that the area can be prepared for the six buildings that are proposed for the site. He noted that staff do not have concerns with this conditional use amendment as proposed. Board Member Martin asked if there have been complaints with the current property and its activities, and Town Planner Johnson replied that to his knowledge, the Town has not received any complaints or issues regarding the property. Board Member Martin asked if the proposed conditions of approval are aligned with the previously approved conditions of approval for the prior conditional use amendment. Town Planner Johnson replied that they should be aligned, though the Town Plan has been updated since the previous conditional use amendment approval.

Bryan Currier of O'Leary, Burke, and Associates, and Al Senecal spoke on behalf of the Applicant. Mr. Currier noted that this is the third phase of a multi-phase project, that they have been extracting earth for this project since 2015 without any zoning violations, that they would like to continue moving forward with the project, and that they have reviewed the proposed conditions of approval and don't have concerns with them. Board Member Norton asked if there is a railroad use considered for this project, and Mr. Currier replied that there could be, but that no potential users have come forward that would benefit from that, but that they would come back before the Board for an amendment for that use. Board Member Norton asked how much of the extracted earth would be removed from the site and how much would be used on-site. Mr. Currier replied that they anticipate removing the majority of the earth, but showed on the proposed project map where some of the extracted earth could be used on-site. Board Member Norton asked for details about the Multi-Sector General Permit (MSGP) that would be required for the project, and Mr. Currier spoke about the specific requirements of this type of permit and stormwater management requirements. Board Member Martin asked about what was found of significance during the archeological review, and Mr. Currier replied that they don't have specific details on what was found.

Board Member Zukowski made a motion, seconded by Board Member Martin, to open the public hearing for interested parties. The motion passed 5-0.

No public comments were made pertaining to the application.

Board Member Norton made a motion, seconded by Board Member Martin, to close the public hearing for interesting parties. The motion passed 5-0.

Board Member Zukowski expressed concern that the proposal does not conform with community character, and Chair Carroll pointed out that the site is an extraction site that has been in operation and that it has complied conditionally with the regulations in the past. He said that this area makes sense for continued industrial building. Board Member Zukowski expressed concern that the application notes that excavation was required for three new buildings, not because they wanted to extract more. She also expressed concern that there are a number of warehouses in this area and adding three more doesn't diversify that further. Board Member Bixby noted that warehouses could be for many uses, and that warehouse-style manufacturing is appropriate for an industrial area.

Board Member Martin made a motion, seconded by Board Member Zukowski, to approve the application as written. The motion passed 4-1 (Board Member Zukowski dissenting).

c. **Site Plan Amendment** - A&C Realty are proposing a site plan amendment of Greystone Industrial Park at 123 Old Colchester Road (Parcel ID 2-095-001-001) located in the Industrial (I1) and Agricultural Residential (AR) districts. The applicant is proposing the construction of three commercial buildings consisting of Building D (26,250 square feet), Building E (16,250 square feet), and Building F (16,250 square feet).

Town Planner Johnson said that this application pertains to the site plan and that this is a multi-phase project. He noted that the amendment to the site plan would entail the three proposed buildings on the right of the rendering and associated parking lots. He noted landscaping associated with this proposal. He said that they are proposing a new public town road off of the existing public road (Old Colchester Road) and having a private roadway within the site and individual driveways that would connect to that private roadway. He reviewed staff comments. He spoke about access and circulation, noting that with an anticipated creation of 100 jobs on the site and the proximity to residential neighborhoods, it could be a good opportunity for more walking and biking infrastructure and he recommended requiring a shared use path or other accommodation along the new public roadway or requiring connections to the three newly proposed buildings from the new public road. He also noted a staff recommendation to have two bike racks placed near the entrance to each of the new buildings. He further noted a staff recommendation around landscaping around the loading and storage areas. He finally noted a memo from the Economic Development Commission, which outlines that commission's discussion of this application at their April 2, 2026 meeting. He said that the EDC determined that this application does not conform with the Town Plan in three ways: lack of economic diversification, potential significant impacts on traffic and other transportation-related issues (and an increase in truck pollution and impervious surface), and lack of conforming to the Town Plan goal of maintaining the Town's rural areas while increasing and diversifying economic development through start-up businesses and retail.

Bryan Currier of O'Leary, Burke, and Associates, and Al Senecal spoke on behalf of the Applicant. Mr. Currier noted that this aligns with the conceptual plan that was brought before the DRB at the end of 2025. He said that this proposal pertains solely to what is being amended, which includes the area that has been approved for earth extraction for the inclusion of three new buildings and the addition of a private road. He noted that they are amenable to the inclusion of bike racks, but that the prior buildings don't have them, given that this is in an industrial zone. He expressed disappointment that the EDC isn't in support of a large warehouse development venture in the Town that could be flexible enough to accommodate a number of different business uses. He brought up a request to modify one of the proposed conditions of approval, and asked that the language on line 732 of the staff report be revised to read "submitted for review and approval, to the satisfaction of the Public Works Department, including". He also noted that the requirement on line 828-829 of the staff report that pipes shall have a minimum diameter of 18 inches, and asked that this be revised to allow for a diameter at the developer's discretion, given that this diameter is a recommendation and not a requirement.

Board Member Zukowski asked if the 18-inch diameter recommendation for stormwater pipes is in the regulations, and Mr. Currier noted that this is private infrastructure and would not need to align with the recommended diameters from the Public Works Department. Board Member Martin asked about the access for the proposed road for the first proposed building. Mr. Currier replied that Building F has multiple access roads proposed and that the access point in question from Old Colchester Road would primarily be used for passenger vehicles. Board Member Martin asked about snow removal and storage, and Mr. Currier pointed out those details on the rendering. Board Member Zukowski asked about the comments from Public Works. Mr. Currier said that the purpose of stormwater permitting is to mimic the peak flows of what exists today, and said that the proposal would not be creating more impact than what is in existence today. He also clarified comments around relocation of the pedestrian trail in the rendering. Mr. Senecal said that he would be amenable to diversifying what the warehouses would be used for.

Board Member Zukowski made a motion, seconded by Board Member Martin, to open the public hearing for interested parties. The motion passed 5-0.

Lois Whitmore asked how this proposal responds to the need for diversity in economic development for the Town. Mr. Currier replied that the warehouses would be designed as shells to accommodate a number of different uses to the maximum flexibility possible and as broad a range of tenants as possible. Mr. Senecal spoke about how building structures for a broad number of uses is much less expensive than trying to retrofit structures for specific needs after the fact. Cheryl Van Epps raised a concern about radon exposure and asked if radon testing can occur at the site prior to putting warehouses there. Mr. Currier said that radon monitoring is required as part of this proposal.

Board Member Norton made a motion, seconded by Board Member Martin, to extend the Development Review Board meeting time for 30 minutes. The motion passed 5-0.

Board Member Norton asked if the Applicant is amenable to adding landscaping near the storage and loading areas. Mr. Currier replied that the storage and loading areas all face each other and may not need screening.

Board Member Norton made a motion, seconded by Board Member Zukowski, to close the public hearing for interested parties. The motion passed 5-0.

The Board discussed the potential addition of bike/walk infrastructure as a condition of approval, as noted by staff. Board Member Norton said that given that the Planning Commission reviewed and approved the conceptual plan for this application in December, it does not seem reasonable to ask for major revisions to accommodate this infrastructure at this stage of approval. Board Member Bixby agreed, saying that it does not seem appropriate to have bike/walk infrastructure in an industrial zone. Chair Carroll concurred, saying that this infrastructure doesn't make sense in this particular area. Board Member Martin said that while these points are salient, building infrastructure after the fact is more costly and that some of the uses for these warehouses could be related to or conducive to recreational activities like bicycling, so the Board could consider this as a condition of approval.

Board Member Norton made a motion, seconded by Board Member Bixby, to approve the application as written.

Board Member Norton said that some of the conditions of approval should be modified to remove the finding associated with the condition. He said he would also like a condition added for additional landscaping, as discussed during the meeting. The Board discussed a potential condition related to requiring sidewalk to Buildings D, E, and F from the private road. They decided to rescind their motion and moving discussion to private deliberations in order to modify conditions of approval and tighten up approval language.

Board Member Norton rescinded his motion to approve the application as written, seconded by Board Member Bixby.

Board Member Martin, seconded by Board Member Zukowski, made a motion to move to Private Deliberations. The motion passed 5-0.

7. <u>BUSINESS ITEMS</u>

a. Review and possible vote on DRB Operating Procedures

The Board reviewed and discussed the comprehensive list of edits to the DRB Operating Procedures document. The Board made several non-substantive modifications and corrected typos.

Board Member Carroll, seconded by Board Member Zukowski, made a motion to approve and adopt amended DRB Operating Procedures. The motion passed 5-0.

b. Discussion and possible vote on an alternate for DRB

The Board discussed the question of whether there should be an alternate appointed to the DRB by the Selectboard. Board Member Bixby said that an alternate would be appropriate to step in when the Board needs to ensure that a quorum will be met. Board Member Norton expressed neutrality. Board Member Zukowski expressed opposition to having an alternate on the Board. Board Member Martin expressed opposition to having an alternate on the Board.

Board Member Carroll, seconded by Board Member Bixby, made a motion to approve requesting the Selectboard to appoint an alternate to the DRB. The motion failed 3-2, with Board Members Zukowski and Martin dissenting.

8. <u>OTHER BUSINESS</u>

a. Remind Board that public discussion regarding Board decisions is not allowed. Anyone absolutely can speak as a resident, but Board members must be aware of not discussing DRB business/decisions or opinions regarding the decision. Once a vote has occurred and decision rendered, any further discussion, privately or (and especially) in public, undermines the process and potentially exposes individuals, the Board as a whole, and staff to public comment/criticism. The Board may not always agree with everyone regarding their take on an application, but it needs to stand together when a decision is made. This was something that was understood when members agreed to join the DRB.

9. <u>READING FILE</u>

a. Upcoming DRB application schedule

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 Martin made a motion, seconded by Board Member Zukowski, to adjourn the meeting. The motion passed 5-0 at 10:20 P.M.

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