TOWN OF ESSEX DEVELOPMENT REVIEW BOARD
REGULAR MEETING
MINUTES OF MEETING
August 6, 2026

DEVELOPMENT REVIEW BOARD: Ian Carroll, Chair; Nick Martin, Vice Chair; Sharon Zukowski, Clerk; Hubie Norton
DEVELOPMENT REVIEW BOARD ABSENT: Stephanie Bixby.
ADMINISTRATION and STAFF: Kent Johnson, Planner.
OTHERS PRESENT: Bryan Currier; Richard Hamlin; John Leo; John Leo Jr.; Peter Lyon; Anne Miller; *(online)*: Gil Allen; Patty Davis; Tyler.

1. <u>CALL TO ORDER</u>
Chair Carroll called the meeting of the Town of Essex Development Review Board to order at 6:30 P.M.

2. <u>AGENDA ADDITIONS/CHANGES</u>
None.

3. <u>AGENDA APPROVAL</u>
Board Member Norton made a motion, seconded by Board Member Martin, to approve the agenda. The agenda was approved 4-0.

4. <u>PUBLIC TO BE HEARD</u>
a. Comments from Public on Items not on Agenda.
Peter Lyon and Richard Hamlin provided documentation regarding the open application for 58 Center Road. Mr. Hamlin requested a status update on the application from staff, and asked that staff provide feedback to the applicant on the open items in the application.

5. <u>APPROVAL OF MINUTES</u>
a. Approve minutes from June 4, 2026 and July 2, 2026 meetings.
Board Member Carroll made a motion, seconded by Board Member Zukowski, to approve the minutes of June 4, 2026 with amendments. Board Member Norton requested that on line 159 "statement" should be "stands" and line 360 should note that there was no deliberative or executive session held. The motion passed 4-0.

Board Member Martin made a motion, seconded by Board Member Carroll, to approve the minutes of July 2, 2026 with amendments. Minutes are missing information about the votes for the elections. Add after line 19 and after line 24 that nominations were closed, motions were made and motions passed 5-0. Amendment made to reflect that Board Member Norton made the nomination of Ian Carroll, not Nick Martin. Line 328 should note that there were no executive or deliberative sessions held. The motion passed 5-0.

6. <u>PUBLIC HEARING</u>
a. Final Subdivision – John and Carolyn Leo are proposing an 8-lot commercial subdivision located at 15 Leo Drive (Parcel ID 2-005-004-203) located in the Industrial (I1) and Scenic Resource Preservation Overlay (SRPO) districts. The parcel at 15 Leo Drive is 17.68 acres.

Board Member Martin made a motion, seconded by Board Member Zukowski, to open the public hearing. The motion passed 5-0.
Planner Johnson provided a summary of the final application. He noted one outstanding item that was not resolved during the preliminary application, which is that the applicant's plan is not showing a trail easement or corridor in the 50-foot buffer, though the Town Plan reflects a trail corridor planned for that location. He noted that staff comments reflect a recommendation from the Parks & Recreation Department to have a 20-foot-wide potential future trail easement area within the 50-foot buffer area. He noted that a trail may not be utilized in the area, but an easement would give the Town that option in the future.

Board Member Carroll asked whether clearing would need to occur as a result of that easement, if the easement is used. Planner Johnson replied that there are existing trees in that area and that the applicant is planning to add trees to fill in the visual buffer, and said that it would be best to have a floating easement that doesn't restrict the Town to a specific spot, so the easement could avoid the need to clear trees as much as possible if or when a trail is made. He said that if a trail were to be placed in the 50-foot buffer, it would likely not require more than 10 feet of width and would be a natural surface walking trail. Board Member Zukowski noted a comment in the preliminary staff report about a water table needing to be resolved after sketch plan approval, and Planner Johnson replied that the Public Works Department would have looked into this, and if it had not been satisfied they would have noted that.

Bryan Currier of O'Leary, Burke Civil Associates, and John Leo spoke on behalf of the applicant. Mr. Currier noted that most issues have been resolved, noting comments from the Department of Public Works about how close trees could be planted to the right-of-way. He noted that the final application moves the recreation path from the north side to the south side of the road, which has allowed the water line to be moved, and that the associated easement is approximately 7.5 feet from the right-of-way. He said that the application is still for eight lots, that there is a recreation path that continues to Route 15, and that the road remains approximately 1,400 linear feet, which would be dedicated to the Town of Essex following warranty periods. He noted that they do not have concerns with the proposed conditions of approval, and that the 20-foot trail easement within the 50-foot buffer is acceptable to the applicant. He noted that they are planning on planting a cedar hedge in that area, calling attention to the fact that the cedar trees will grow and be larger by the time the easement for a trail is utilized, and asked that it be clear that those trees will not be impacted. He spoke about the groundwater table, saying that this arose from a public comment during sketch plan approval, and further noted that the project will include stormwater infiltration trenches, in-ground septic systems, and noted that they do not believe that the water table will be an issue for this project. He noted that there are some wetlands on a small portion of the proposed project area, but they will have enough room to ensure that those are not impacted and will not in turn impact the project's infrastructure.

Board Member Norton asked if the septic systems would be mound systems, and Mr. Currier replied that they would be in-ground. Board Member Norton asked if the variety of cedar trees being contemplated in the buffer is deer resistant, and Mr. Currier replied that they would welcome recommendations from the Tree Warden. Board Member Norton noted a water line easement, and asked if the water line would be extended, and Mr. Currier replied that there is a water main on Leo Drive that they would extend through the road and connect to an existing water line on Saxon Hill Road.

The following public comments were received:

- Anne Miller asked how a waiver was granted for a road that is 2,050 in length. Board Member Carroll replied that this was already approved at sketch, which was prior to notifications that waivers were no longer allowed, and that within this zoning district, there are certain parameters for waivers that are more flexible than the general waiver clause. Planner Johnson noted that this is a subdivision application and is guided by subdivision regulations (not zoning regulations), which allows for certain waivers. Ms. Miller then spoke about how the Town should be diversifying its economic activity, noting that storage facilities are warehouses are not big economic generators for the Town, and said that these structures should be built to accommodate a number of different uses.
- Gil Allen expressed concern that putting a trail in the middle of a 50-foot buffer would negatively impact surrounding residents. Board Member Carroll noted that the trail in question would be a natural trail and would not be for motorized vehicles or bikes, and that the question before the Board is about an easement for a future path, not the path itself. He added that the trail would not necessitate clearing of trees, and Planner Johnson added that if a trail were contemplated in the future, there would be opportunity for members of the public to provide future input. Mr. Allen asked if the entire parcel for the development was originally zoned as commercial, and Mr. Currier replied that it is currently zoned as industrial, and that they are conforming to the zoning regulations as they exist today. Mr. Allen expressed concern about a long-term pattern of land being rezoned from agricultural to commercial use.

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

Board Member Zukowski expressed concern about the waiver amendment, though she said she understands that it is legal and that this application was grandfathered from previous waiver requirements. Board Member Carroll agreed, but said he is supportive of the application, given that the Fire Department is comfortable with having emergency access. Board Member Zukowski said she is concerned with the number of warehouses going into that area, but recognized that this application isn't a site plan application itself, and that those concerns could be addressed during specific site plan applications in this area. Board Member Carroll noted that the applicant is amenable to granting the easement, but is requesting that the Town sustain the plantings that shield the neighboring properties. Planner Johnson said they can include this content in the actual easement language. Board Member Norton provided minor grammatical edits to Condition of Approval #17.

Board Member Norton made a motion, seconded by Board Member Carroll, to approve the application for 15 Leo Drive with amended conditions, including the additional finding by the Development Review Board to include the granting of an easement for a recreational trail. Amended conditions include: Add to condition 3, that the plantings to be provided for visual screening must be sustained; and Condition 17, after the word submitted should be "submitted to the Community Development Department." The motion carried 4-0.

7. <u>BUSINESS ITEMS</u>

a. Review Communications Policy

Board Member Carroll began by noting that he would like to have a discussion about adding an element to the DRB's procedures around how board members discuss applications or decisions outside of DRB meetings. He said it would be prudent to include this in general procedures, given that the DRB is a relatively new board and it could be helpful direction to give for future boards. Board Member Zukowski noted that the Selectboard has a general statement in its communications policy that members may speak about past decisions but must make a distinction between the Selectboard's official position and their own personal position. She noted that the DRB must follow municipal procedures and Open Meeting Law. Board Members noted that they must be transparent about how they vote on decisions, but they need to be careful about going into details around discussions that were held in deliberative or executive sessions. Board Members agreed that they would like to mirror the Selectboard's Public Communications language (Section 1) in their own procedures, but they will discuss this further at the September DRB meeting.

b. Process to review a legal decision

Planner Johnson noted that the DRB and other boards should follow the Selectboard's procedure for reviewing legal correspondence from the Town Attorney or the Vermont League of Cities and Towns (VLCT), and that such legal correspondence would only be reviewed during executive session (unless staff have received legal direction that such correspondence is no longer privileged and can be shared during an open meeting). Board Member Carroll clarified that this pertains to legal advice or a legal opinion where the Town is the client and the information is privileged. Planner Johnson added specific categories of information that may be considered appropriate for executive sessions. He also noted a question around how to proceed with information received from an applicant's attorney, and said that it could be applicable to executive session if it pertained to civil litigation, but that if it's included in the application package it is already public knowledge. Board Member Martin pointed out that obtaining a legal opinion in order to make a decision on an application could lead to needing to table or continue an application in order to obtain and then review that opinion in executive session prior to issuing a decision.

8. <u>OTHER BUSINESS</u>

a. Other Business

Board Member Carroll thanked Sharon Kelley for her 32 years of service to the Town of Essex, and in particular for her assistance and expertise in working with the Planning Commission and Development Review Board. He also congratulated Brittany McGregor for her appointment as the Zoning Administrator (and anticipated appointment as the Health Officer) for the Town.

9. <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).

None held.

10. <u>READING FILE</u>

a. DRB Application Schedule

11. <u>ADJOURN</u>

Board Member Zukowski made a motion, seconded by Board Member Martin, to adjourn the meeting. The motion passed 4-0 at 8:02 P.M.

Respectfully Submitted,
Amy Coonradt
Recording Secretary

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