



December 11, 2025

Jeffrey Lyon  
Kana Associates LLC  
5 Kana Lane  
Essex, VT 05452

**CERTIFIED MAIL**

Re: **SITE PLAN AMENDMENT - DRB #2025-14**  
**1 KANA LANE, ESSEX, VT**

Dear Mr. Lyon:

At its meeting held on December 4, 2025, the Development Review Board (DRB) voted to approve your site plan amendment to add an additional 8 units to the building a 1 Kana Lane in Essex, Vermont. The approval is granted with the following Findings and Conditions:

**FINDINGS:**

**1. Proposal**

The Applicant is requesting a Site Plan Amendment for the property at 5 Kana Lane (Parcel ID: 2-010-074-000), for the building called 1 Kana Lane. The parcel is 24.1 acres and is in the Center District (CTR), the High Density Residential District (R3), and in the Business-Design Control Overlay (B-DC) (though the proposed work is not within the CTR District). A 12-unit building currently exists at 1 Kana Lane; the Site Plan Amendment request is to add 8 more units on the existing third floor of the building. The existing site has ample parking (39 parking spaces for 20 dwelling units). No new sitework or exterior building construction is proposed. Water and sewer demand will be increased by 800 GPD (100 GPD per unit x 8 units).

**2. Section 5.2 of the Zoning Regulations: Application Requirements**

The Applicant has submitted the following plan:

- Sheet #2, "20-Scale Overall Site Plan, Plan of a Portion of Lands of Jeffrey & Dawn Lyon, Essex, Vermont" prepared by O'Leary-Burke Civil Associates, PLC, dated 12/29/2020, revised 12/3/2025.

TOWN MANAGER	PARKS AND RECREATION	COMMUNITY DEVELOPMENT	PUBLIC WORKS	ASSESSOR	FINANCE	TOWN CLERK	LIBRARY	FIRE	POLICE
878-1341	878-1342	878-1343	878-1344	878-1345	878-1359	879-0413	879-0313	878-5308	878-8331

### **3. Section 5.6 of the Zoning Regulations: Site Plan Review**

#### **ZR Section 5.6(A), General Requirements**

##### **1. Conformance with the *Essex Town Plan***

The application to add eight dwelling units complies with the following policy of the *2024 Essex Town Plan*:

##### ***Specific Housing Policies:***

*4(S).2: New housing shall be directed to areas identified as suitable for growth, specifically the Essex Town Center and the Susie Wilson Road corridor.*

##### **2. Dimensional limitations and provisions of the *Zoning Regulations***

This project is located in the High Density Residential (R3) district as well as the Business-Design Control Overlay (B-DC) district, and must conform to the standards listed in Tables 2.6 and 2.16 of the *Zoning Regulations*.

#### **Table 2.6, High Density Residential (R3) District Standards**

##### **Purpose**

The purpose of the High Density Residential District is to encourage a wide range of housing opportunities in an area served by municipal services and facilities and public transportation. Home occupations, accessory dwellings and provisions for multi-unit dwelling on small lots are encouraged in this district to enable some expansion of uses while avoiding strip commercial development.

##### **Permitted and Conditional Uses**

Multi-unit dwellings are permitted uses in the R3 district. No conditional uses are proposed.

##### **District Dimensional Requirements**

Not applicable; no exterior dimensional modifications are proposed.

##### **District Development Standards**

The proposal meets the requirement that ingress and egress points onto Center Road be kept to a minimum by using an existing, consolidated curb cut for all dwellings on the property.

#### **Table 2.16, Business-Design Control Overlay (B-DC)**

##### **Purpose**

The purpose of this district is to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the Essex Center area. The 2021 Essex Town Center Master Plan (ETC|NEXT) describes the particular planning and design problems in this district and sets forth a design plan for the Essex Center area. Building and site design for all development proposals in this district

shall be evaluated under the criteria established herein, except that the criteria established in this Section do not apply to single-unit or duplex-unit dwellings (and their accessory uses), accessory dwellings, or to agricultural buildings and uses.

Staff comments: The B-DC district standards primarily address the visual appearance of buildings and site treatments, with some limited attention paid to the functionality of the site design regarding motorized and non-motorized access and circulation. These standards are not applicable to the Applicant's request to establish additional dwelling units within the existing building.

### **3. Protection of public health, safety, and welfare**

See comments from the Fire Chief, below section ZR Section 5.6(I), Fire Protection.

### **4. Outstanding violations**

Work has already begun on the proposed 8 additional units without approval, which is a zoning violation. The DRB's approval of the additional units would cure the violation.

### **ZR Section 5.6(B), Natural and Scenic Features**

Note: No change, not applicable to the current application.

### **ZR Section 5.6(C), Access**

In an email dated 8/29/25, Public Works stated:

*PW has reviewed the documents submitted by O'Leary Burke. They have addressed all our concerns regarding the traffic study, sewer, and stormwater. The only item left is for the Applicant to obtain additional allocation and pay the associated water and sewer fees.*

### **ZR Section 5.6(D), Site Circulation**

Note: No change, not applicable to the current application.

### **ZR Section 5.6(E), Parking**

In all districts, the Planning Commission shall require the provision of parking in accordance with Section 3.9 of these Regulations.

Table 3.3 that lists the parking requirements in Sec. 3.9 has been superseded by Act 47 which states that, "In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than one parking space per dwelling unit." (see 24 V.S.A. § 4414(4)).

No changes to the already approved parking area are proposed. The previous approval on 9/14/23 indicated 39 parking spaces (37 plus 2 accessible spaces) would be provided adjacent to the multi-unit building. Including the newly proposed eight units, the total dwelling units in the building would be 20 units, requiring 20 parking spaces.

Bicycle parking spaces/racks shall be provided in accordance with Section 3.9(H)(2), which states that, “Businesses, public buildings, and multi-unit dwellings may be required, at the discretion of the DRB, to provide facilities for bicycle parking. Uses which may be required to provide bicycle parking include but are not limited to shopping centers, restaurants, grocery stores, recreation facilities, motels, government offices, schools, hospitals and clinics, multi-unit dwellings, and mass transit terminals.”

The previous approval on 9/14/23 included a Condition which stated, “Total bicycle parking (indoor and outdoor) shall accommodate at least 2 bicycles per dwelling unit (for a total of 24).” In consideration that eight more dwellings are proposed, staff recommends that the total bicycle parking spaces be increased accordingly to at least 40 (at least 2 per unit).

#### **ZR Section 5.6(F), Landscaping and Screening**

Notes:

- a. No change, not applicable to the current application.
- b. The previous approval on 9/14/23 included landscaping requirements which are not yet completed.

#### **ZR Section 5.6(G), Lighting**

Note: No change, not applicable to the current application.

#### **ZR Section 5.6(H), Utilities and Services**

##### **Water Supply and Sewage Disposal**

In a memorandum dated 5/13/25, Public Works stated:

1. *The lot currently has 1,200 GPD of purchased water and sewer allocation. For the additional 8-units, the Applicant must apply for an additional 800 GPD water and sewer allocation. The application will require Selectboard approval for the additional sewer allocation. Once approved, the Applicant will be required to purchase this additional allocation in the amount calculated below prior to the issuance of the building permit.*

*Staff has concerns of the ability of the existing 6” sewer service line from the private manhole on the property to the gravity sewer main, to service the additional estimated 800 GPD. The Applicants engineer shall provide capacity calculations using State methods to verify there is sufficient capacity. If not, a new service will be required to meet the additional capacity needs.*

2. *The sewer and water connection fees have been estimated as follows:*

a. *Water: (800gpd x \$5.90/gal) = \$ 4,720.00*

b. *Sewer: (800gpd x \$10.60/gal) = \$ 8,480.00*

***Total = \$13,200.00***

*If the water and sewer fee schedule changes, then the fee charged shall be the fee in effect at the time of the submittal for the building permit.*

## **Stormwater Management**

In an email dated 8/29/25, Public Works stated:

*PW has reviewed the documents submitted by O'Leary Burke. They have addressed all our concerns regarding the traffic study, sewer, and stormwater. The only item left is for the Applicant to obtain additional allocation and pay the associated water and sewer fees.*

After a site visit on 10/14/25, Public Works staff found some minor rill erosion, particularly at the end of a roof drain. It appeared that the end of the original pipe was crushed at some point, so instead of fixing it, the Applicant installed a smaller diameter pipe into it and extended it. The Applicant should remove the smaller pipe, fix the crushed pipe, and put stone at the end of the pipe to mitigate the erosion. The Applicant also should remove the silt fence. For the rill erosion, grass has already grown in, and it doesn't appear to be eroding more, but the Applicant should fill it in and potentially throw some stone in it. Public Works suggests that these issues could be addressed by conditions of approval.

## **Utilities**

No comments from Public Works.

## **ZR Section 5.6(I), Fire Protection**

In an email dated 4/22/25, the Fire Chief stated:

*The parking area that is shown on their diagram must be changed, regardless of whether or not they build these additional 8 units. The FCD connection that is currently on the front of the new building must have an unobstructed path out to the fire lane of 36" wide. It is currently shown to be blocked by parking spaces, and the current use today is the same. They also must ensure they have a minimum of 20' width between the canopy of the solar panels and the edge of the parking area. I don't believe there is currently sufficient width.*

*As for the 8 additional units, they must meet all requirements of the State Fire Marshal.*

Staff comments: The Applicant should explain to the DRB how the concerns raised by the Fire Chief will be addressed.

#### **4, Comments from the Parks & Recreation Department:**

In an email dated 4/23/25, the Parks & Recreation Department stated:

*Recreation impact fees shall be applied to all new residential units.*

#### **CONDITIONS OF APPROVAL:**

1. All conditions from previous approvals shall remain in effect except as modified herein.
2. All construction shall be in conformance with the plans listed above as may be amended herein.
3. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.
4. Prior to the issuance of a zoning permit, the Applicants shall submit all covenants, deeds, and legal documents resulting from this approval to the Community Development Department for review by the Town Attorney. The Applicants shall pay any legal fees associated with the review.
5. The Applicant shall submit a copy of the VTrans approval with the Zoning Permit application.
6. The Applicant shall apply for an additional 800 GPD water and sewer allocation. The application will require Selectboard approval for the additional sewer allocation. Once approved, the Applicant shall purchase this additional allocation prior to the issuance of the building permit.
7. Prior to the issuance of a zoning permit, the Applicant shall pay the additional connection fees relating to the additional eight dwelling units for public water (\$4,720.00) and sewer (\$8,480.00) totaling \$13,200.00, or the fees in place at the time of submittal.
8. Prior to issuance of a zoning permit, at the end of the roof drain, the Applicant shall remove the blue pipe, repair the crushed, white roof drain pipe and put stone at the end of the pipe to mitigate erosion.
9. Prior to issuance of a zoning permit, the Applicant shall remove the silt fence.
10. Prior to the issuance of a zoning permit, the Applicant should fill the area of rill erosion and place stone in it if needed, to mitigate erosion.
11. Prior to the issuance of a zoning permit, the Applicant shall pay additional recreation fees in place at the time of submittal relating to the additional eight dwelling units.
12. Prior to the issuance of a zoning permit, the Applicant shall pay additional fire impact fees in place at the time of submittal relating to the additional eight dwelling units.
13. Prior to the issuance of a zoning permit, the Applicant shall obtain any and all applicable state and federal approvals and permits and shall submit copies to the Community Development Department.

14. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the Community Development Department prior to the issuance of a certificate of occupancy.
15. Prior to occupancy of any unit, a certificate of occupancy inspection and sign off is required by the Zoning Administrator.
16. Prior to issuance of a certificate of occupancy, all conditions of this and prior approvals must be satisfied.
17. All E-911 numbers shall be clearly marked on the exterior of the building and on each unit.
18. Total bicycle parking (indoor and outdoor) shall accommodate a minimum of 24 bicycles.
19. By accepting the conditions of this approval without appeal, the Applicant confirms and agrees for itself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the Applicant and all assigns and successors in interest.

This decision may be appealed to the Vermont Environmental Court pursuant to Section 7.4 of the *Town of Essex Official Zoning Regulations* and 24 V.S.A. § 4471. Any appeal must be filed by certified mail to the Environmental Court and by mailing a copy to the Essex Town Clerk within 30 days of the date of this approval.

**TOWN OF ESSEX DEVELOPMENT REVIEW BOARD:**

By:   
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**Ian Carroll, Chair**

Cc: Bryan Currier, via email  
Shawn Cunningham, via email  
John Hill and Lorraine Zaloom, 74 Center Road, Essex, VT 05452

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