

1 TOWN OF ESSEX ZONING BOARD OF ADJUSTMENT  
2 DRAFT MEETING MINUTES  
3 JANUARY 6, 2022  
4

5 **PRELIMINARY DRAFT. More updates prior to next Zoning Board Meeting on 2/3/22.**

6  
7 **Note: This meeting was held in-person and virtually on Microsoft Teams.**

8  
9 **ZONING BOARD OF ADJUSTMENT (ZBA) MEMBERS PRESENT:**

10 **In-Person:** Nick Martin, Chair; Michael Plageman, Vice Chair; and Hubert Norton.

11 **Virtual:** Tom Yandow, Clerk; and Justin St. James.

12  
13 **OTHERS PRESENT:**

14 **In-Person:** Sharon Kelley, Zoning Administrator.

15 **Virtual:** Jackie Corbally and Krissie Zambrano.

16  
17 Chairman Martin called the hearing to order at 6:04 p.m; noted that the meeting was being held in-  
18 person and virtually; read the instructions of the meeting process; took roll-call of ZBA members  
19 present; read the Covid meeting process into the record; and provided the public oath.  
20

21 **AGENDA ITEM 1: CONDITIONAL USE: Krissie Zambrano d/b/a Tigerfly Massage & Rick**  
22 **Bove d/b/a HDI Real Estate Inc.: Proposal to operate a massage therapy business located at 8**  
23 **Carmichael Street, Suite 205 in Mixed Use Commercial (MXD-C) District & Business Design**  
24 **Control (B-DC) Overlay District. Tax Map 91, Parcel 1-8.**  
25

26 **Board Member Plageman MOVED and Board Member Norton SECONDED a MOTION to open**  
27 **the Fact Finding/Public Hearing. The MOTION passed 5-0.**

28  
29 Sharon Kelley, Zoning Administrator, provided comments on this application.

30 Krissie Zambrano provided comments.

31  
32 **Board Member Norton MOVED and Board Member St. James SECONDED a MOTION to close**  
33 **the Fact Finding/Public Hearing. The MOTION passed 5-0.**

34  
35 The Zoning Board deliberated.

36  
37 **Board Member Norton MOVED and Board Member St. James SECONDED a MOTION**  
38 **to approve the application for the operation of a massage therapy clinic located at 8**  
39 **Carmichael Street, Suite 205, subject to the following Findings and Conditions:**  
40

41 **FINDINGS:**

- 42  
43 1) The landowner is Rick Bove d/b/a HDI Real Estate Inc. The tenant is Krissie Zambrano  
44 d/b/a Tigerfly Massage Therapy. The property is located at 8 Carmichael Street, Suite 205,  
45 in the Town of Essex, Chittenden County, State of Vermont (Tax Map 2:019-001-008.) The  
46 parcel lies within the Mixed-Use Commercial (MXD-C) Zone and the Business Design  
47 Control (B-DC) Overlay District.  
48  
49 2) The existing lot was developed as a Mixed Use Planned Unit Development (PUD-MU). The  
50 table below shows the required dimensional requirements and the existing dimensions of the  
51 MXD-C district. The parcel lot is in conformance except for the minimum front setback as

52 noted in the chart below.  
53

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>
Minimum Lot Area	7,000 SF	*10,019 SF
<b>Minimum Lot Area / Dwelling (entire PUD)</b>	<b>**5,643 SF</b>	<b>9,432 SF</b>
Minimum Lot Frontage	50 ft.	*128 ft.
Minimum Front Setback (from ROW) – VT-15	75 ft.	n/a
<b>Minimum Front Setback (from Travel Way) – “Main Street” (aka Carmichael Street)</b>	<b>42 ft.</b>	<b>16 ft.</b>
Minimum Side Setback	None	n/a
Minimum Rear Setback	None	n/a
Maximum Building Area / Floor – Commercial	10,000 SF	n/a
Maximum Building Area / Floor – Mixed-Use	10,000 SF	7,445 SF
Maximum Building Area / Floor – Residential	8,000 SF	n/a
Maximum Lot Coverage (entire PUD-MU)	70%	54.1%
Maximum Height	40 ft.	Appx. 25 ft.

54 \*Calculated for the footprint lot      \*\*After adjustments per PUD-MU requirements  
55 Though the footprint lot does not conform to the normal front setback requirements, this is a pre-  
56 existing non-conformity.

- 57
- 58 3) The application is being reviewed under the Town of Essex Outside the Village of Essex  
59 Junction Official Zoning Regulations, Article II, Table 2.12(C)(6) ‘Conditional Uses –  
60 Massage Therapy’ and Article V, Section 5.7 Conditional Use.
- 61
- 62 4) The proposal is to allow for the continued massage therapy operation which has been in place  
63 since June 28, 2021. On October 22, 2021, the Zoning Administrator received an email from  
64 Nicole Juiffre of Design Signs, with a request for a sign for the tenant’s business.
- 65
- 66 5) The Zoning Administrator was not aware a tenant went into the building and started an  
67 investigation. Upon a site inspection, the Zoning Administrator discovered that the unit was  
68 occupied, as well as an additional tenant in Suite 204. Due to the circumstances of Covid  
69 and the fact that the tenant was working cooperatively and quickly to submit an application  
70 to go before the Zoning Board of Adjustment, a Notice of Violation was not issued.
- 71
- 72 6) The applicant’s narrative and work plan are as follows:

73  
74 **Narrative:**

75 *I, Krissie Zambrano, signed a lease to rent a unit (8 Carmichael Street, Suite 205, Essex*  
76 *Junction, VT 05452) from Rick Bove (the landlord) on June 28<sup>th</sup>, 2021, with a plan to*  
77 *begin occupying the unit in July. There is no mention in this lease or in any other*  
78 *communication about this unit prior or subsequent to the signing of this lease mentioning*  
79 *any need for a permit from the city in order for my business to run within this unit. Since*  
80 *the lease specifies that the unit is not to be used for any purpose outside of massage*  
81 *therapy, I was under the impression that the landlord would be responsible for any type*  
82 *of permitting required to use his property.*  
83 *Upon attempting to gain approval for a sign for my business for the front of the building,*

84 *I was notified by the town of Essex that my business is not authorized to run out of this*  
85 *unit. Several communications were made to clarify the situation and I have since been*  
86 *working with Zoning Administrator & Deputy Health Officer Sharon Kelley to prepare*  
87 *all the proper documentation to present to the zoning board for permit approval.*  
88 *We have discovered that massage therapy is considered “conditional use” at this*  
89 *location and I would like to request that my business be granted approval to run out of*  
90 *this unit at 8 Carmichael Street. Massage therapy has been and will continue to be an*  
91 *important part of this community, and it is imperative that Tigerfly Massage Therapy be*  
92 *given the opportunity to continue to help its members alleviate pain and reduce stress.*

93  
94 **Workplan:**

95 ***Business Name:*** Tigerfly Massage Therapy

96 ***Business ID (Registered through state of Vermont):*** 0365025

97 ***Owner:*** Krissie Zambrano

98 ***Qualifications:***

- 99 • *Bachelor of Science in Mechanical Engineering from Columbia University, May 2009*  
100 • *Certified massage therapist - graduated from Green Mountain Massage School, June*  
101 *2020*  
102 • *Passed Massage & Bodywork Licensing Examination, March 20, 2021*  
103 • *Registered massage therapist in Vermont, license #164.0000731, May 24, 2021*

104 ***Number of employees:***

105 *Currently this business is owned and operated by myself (Krissie Zambrano) only. In the*  
106 *future, another employee may be hired, but this is not essential to the success of the*  
107 *business. If another employee is hired, there will be a maximum of 2 employees working*  
108 *simultaneously.*

109 ***Number of clients per day:***

- 110 • *In a typical day there will be anywhere from 1-6 sessions, with one person in each*  
111 *session at a time. If another employee is hired in the future, they will also be allowed to*  
112 *have anywhere from 1-6 sessions per day with one person in each session at a time.*

113 ***Parking:***

- 114 • *There is ample parking for both residential and commercial use; the parking lot is never*  
115 *full, even when the business on the first floor (oral surgery) is operating.*

116 ***Days/Hours of Operation (By appointment only – no walk-ins available):***

- 117 • *Monday: 9:00am-6:30pm*  
118 • *Tuesday: 9:00am - 8:00pm*  
119 • *Wednesday: 9:00am - 5:30pm*  
120 • *Thursday: 9:00am-6:30pm*  
121 • *Friday: 9:00am - 8:00pm*  
122 • *Saturday: 9:00am - 8:00pm*  
123 • *Sunday: 9:00am - 8:00pm*

124 ***Services Provided:***

- 125 • *Deep Tissue Massage*

- 126      ○ *A combination of deep tissue massage, Swedish massage, trigger point therapy, and*  
127      *stretching, ideal for people looking to mitigate pain, release muscle tension, and improve*  
128      *physical performance.*
- 129      ● *Relaxation Massage*
- 130      ○ *A Swedish relaxation massage uses gentle touch to calm and soothe, for full body and*  
131      *mind relaxation.*
- 132      ● *Thai Yoga Massage*
- 133      ○ *Thai yoga combines stretches and massage to help balance the body.*
- 134      ● *Hot stones or cupping therapy can be added to any session.*
- 135      ***Water Usage:***
- 136      ● *There is no access to water or restrooms within the business unit.*
- 137      ● *Water is not used during the sessions. Water is used for preparing tools and cleaning*  
138      *them or for washing hands in between sessions. This water is used from the public*  
139      *restroom in the hallway, which is not located in the business unit.*
- 140
- 141      7) A floor plan, as drawn by Scott & Partners Architecture, entitled, *8 Carmichael Street*  
142      *SECOND FLOOR SUITES 204 & 205* was submitted in support of this application.
- 143
- 144      8) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on  
145      the property.
- 146
- 147      9) The abutting property owners were notified of this meeting by certified mail.
- 148
- 149      10) The landowner and applicant were mailed a copy of this Staff Report prior to the meeting.
- 150
- 151      11) On July 21, 2021, the Selectboard approved doubling the fees for any after-the-fact ZBA or  
152      PC approval(s), Zoning/Use Permits and Certificate of Occupancy inspections. The After-  
153      the-Fact costs are required to be paid as a result of this application.
- 154
- 155      12) The *Town of Essex Development Fee Schedule*, reads,  
156      *Legal Reviews: All expenses for legal reviews required from approvals by the Planning*  
157      *Commission and Zoning Board shall be paid by the applicant(s).*
- 158
- 159      13) Krissie Zambrano spoke on behalf of this application. No one from the public commented  
160      on this application.
- 161
- 162      14) In an email dated 12/29/2021, Public Works said, *Public Works Takes no exception to the*  
163      *application as submitted.*
- 164
- 165      15) In an email dated 12/14/2021, the Recreation Director said, *EPR doesn’t have concerns*  
166      *about this request.*
- 167      16) In an email dated 12/14/2021, the Police Chief said, No comments from *PD.*
- 168
- 169      17) In an email dated 12/14/2021, the Fire Chief said,
- 170

171 *The Fire Department requests that keys to this business be placed in the building Supra*  
172 *box and that the Business Owner keep their emergency contact information with the Essex*  
173 *Police Dispatch center.*  
174

175 18) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, **the applicant** provided  
176 the following response:

- 177  
178 1. **Capacity of Existing or Planned Facilities:** *There is no plan to expand the*  
179 *facilities of the current building other than occupancy of the unit across from*  
180 *Suite 205. Tigerfly Massage Therapy currently has one employee (myself), and*  
181 *one client present at any given time. This adds little to no strain on the current*  
182 *capacity of the community.*
- 183  
184 2. **Character of the area affected:** *The area affected is a combination of residential*  
185 *and commercial space. Tigerfly Massage Therapy provides low-volume, low-*  
186 *noise services that will not negatively affect the character of the area in question.*  
187
- 188 3. **Traffic on Roads and Highways:** *Tigerfly Massage Therapy currently has one*  
189 *employee (myself), and one client present at any given time. This adds little to no*  
190 *strain on the current capacity of the community. Future expansion may add an*  
191 *additional employee, which will leave a maximum of 4 people on the premises at*  
192 *any given time for a maximum of 2 sessions at a time. Ample parking space is*  
193 *available in the area to accommodate existing and future traffic.*  
194
- 195 4. **Bylaws and Ordinances:** *Tigerfly Massage Therapy occupies in an existing*  
196 *building and no development or renovations have been made to prepare the unit*  
197 *for occupancy. This means that no bylaws or ordinances can be violated since no*  
198 *development is being performed.*  
199
- 200 5. **Conformance with Town Plan and Community Character:** *Tigerfly Massage*  
201 *Therapy occupies an existing building and no development or renovations have*  
202 *been made to prepare the unit for occupancy. This means that no renewable*  
203 *energy resources will be affected since no development is being performed.*  
204

205 19) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, the Zoning Board finds  
206 the following:

- 207
- 208 a. There will be no adverse effect on the capacity of the existing or planned  
209 community facilities;
- 210 b. There will be no adverse effect on the character of the area/neighborhood  
211 affected;
- 212 c. There will be no adverse effect on traffic on roads and highways in the  
213 vicinity;
- 214 d. The proposed use will be in compliance with the bylaws now in effect;
- 215 e. The proposed use will not adversely affect utilization of renewable energy  
216 resources;
- 217 f. The proposed use is in conformance with the Town Plan;

- 218 g. The proposed use does not require site plan review; and
- 219 h. The proposed use is in conformance with community character.

220

221 **CONDITIONS:**

222

- 223 1. Prior to leasing or occupancy of any commercial units within any of the existing
- 224 approved buildings, the landowner shall secure, or have its potential tenant(s) secure a
- 225 Use/Fit-up and Occupancy Permit and/or submit application(s) for Zoning Board of
- 226 Adjustment or Planning Commission approval(s), even if the use is the same or similar.
- 227
- 228 2. The applicant shall pay the After-the-Fact fees for the Zoning Board review.
- 229
- 230 3. The landowner and current tenant shall secure a Use Permit, occupancy inspection, and
- 231 submit a sign application, including, fees and after-the-fact fees associated with this
- 232 business.
- 233
- 234 4. The applicant shall pay all legal fees resulting from this application.
- 235
- 236 5. The applicant shall provide a copy of the Department of Fire & Safety Inspection Report
- 237 to the Zoning Administrator prior to the issuance of a Use Permit.
- 238
- 239 6. Tigerfly Massage Therapy located at 8 Carmichael Street, Suite 205, shall be operated as
- 240 noted in Finding 6 above. The tenant shall notify the Zoning Administrator of any
- 241 changes to the business plan operations and the Zoning Administrator shall determine if
- 242 the changes are di-minimis or require an amendment to the ZBA approval.
- 243
- 244 7. The applicant shall contact the Essex Fire Department and provide keys to its business to
- 245 be placed in the building Supra Box and shall provide the Essex Police Dispatch center
- 246 with its emergency contact information.
- 247
- 248 8. By acceptance of the conditions of this approval without appeal, the applicant confirms
- 249 and agrees for themselves and all assigns and successors in interest that the conditions of
- 250 this approval shall run with the land and the land uses herein permitted and, will be
- 251 binding upon and enforceable against the applicant and all assigns and successors in
- 252 interest.

253

254 **The MOTION passed 5-0.**

255

256 **AGENDA ITEM 2: CONDITIONAL USE: Jackie Corbally d/b/a Center for Trauma**

257 **Recovery & Rick Bove d/b/a HDI Real Estate Inc.: Proposal to operate several types of**

258 **therapy including massage, acupuncture, mental health, etc., located at 8 Carmichael**

259 **Street, Suite 204/206 in Mixed Use Commercial (MXD-C) District & Business Design**

260 **Control (B-DC) Overlay District. Tax Map 91, Parcel 1-8.**

261 **Board Member Plageman MOVED and Board Member Norton SECONDED a MOTION to open**

262 **the Fact Finding/Public Hearing. The MOTION passed 5-0.**

263

264 Sharon Kelley, Zoning Administrator, provided comments.

265  
266 Jackie Corbally provided comments.

267  
268 **Board Member Norton MOVED and Board Member Plageman SECONDED a MOTION to close**  
269 **the Fact Finding/Public Hearing. The MOTION passed 5-0.**

270  
271 The Zoning Board deliberated.

272  
273 **Board Member Norton MOVED and Board Member St. James SECONDED a MOTION**  
274 **to approve the application for the operation of several types of therapy including massage,**  
275 **acupuncture, mental health, etc., located at 8 Carmichael Street, Suites 204/206, subject to**  
276 **the following Findings and Conditions:**

- 277  
278 1) The landowner is Rick Bove d/b/a HDI Real Estate Inc. The tenant is Jackie Corbally d/b/a  
279 Center for Trauma Recovery. The property is located at 8 Carmichael Street, Suite 204, in  
280 the Town of Essex, Chittenden County, State of Vermont (Tax Map 2:019-001-008.) The  
281 parcel lies within the Mixed-Use Commercial (MXD-C) Zone and the Business Design  
282 Control (B-DC) Overlay District.
- 283  
284 2) The existing lot was developed as a Mixed Use Planned Unit Development (PUD-MU). The  
285 table below shows the required dimensional requirements and the existing dimensions of the  
286 MXD-C district. The parcel lot is in conformance except for the minimum front setback as  
287 noted in the chart below.

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>
Minimum Lot Area	7,000 SF	*10,019 SF
<b>Minimum Lot Area / Dwelling (entire PUD)</b>	<b>**5,643 SF</b>	<b>9,432 SF</b>
Minimum Lot Frontage	50 ft.	*128 ft.
Minimum Front Setback (from ROW) – VT-15	75 ft.	n/a
<b>Minimum Front Setback (from Travel Way) – “Main Street” (aka Carmichael Street)</b>	<b>42 ft.</b>	<b>16 ft.</b>
Minimum Side Setback	None	n/a
Minimum Rear Setback	None	n/a
Maximum Building Area / Floor – Commercial	10,000 SF	n/a
Maximum Building Area / Floor – Mixed-Use	10,000 SF	7,445 SF
Maximum Building Area / Floor – Residential	8,000 SF	n/a
Maximum Lot Coverage (entire PUD-MU)	70%	54.1%
Maximum Height	40 ft.	Appx. 25 ft.

289 \*Calculated for the footprint lot      \*\*After adjustments per PUD-MU requirements  
290 Though the footprint lot does not conform to the normal front setback requirements, this is a pre-  
291 existing non-conformity.

- 292  
293 3) The application is being reviewed under the Town of Essex Outside the Village of Essex  
294 Junction Official Zoning Regulations, Article II, Table 2.12(C)(6) ‘Conditional Uses –  
295 Massage Therapy’ and Article V, Section 5.7 Conditional Use.

296

297 4) The Center for Trauma Recovery’s website lists 8 Carmichael Street as the place of business  
298 and offers the following services:

299 Dialectical Behavior Therapy; Cognitive Behavior Therapy; Individual Therapy;  
300 Group Therapy; Intensive Outpatient Therapy; Acupuncture; Reiki; Cranial Sacral  
301 Therapy; Trauma Informed Yoga and breath; Massage Therapy; Art Therapy;  
302 Medication (Referral).

303 The tenant signed a lease on November 1, 2021 and leased units 204 & 206, to which  
304 construction took place, without a permit, to combine the units for the business. During  
305 an inspection regarding Suite 205, the Zoning Administrator discovered signage for this  
306 business and was informed that the unit was occupied. No permits were issued for this  
307 use and no inquiries were made to the zoning administrator regarding the construction  
308 and/or proposed use. The landowner is in violation of not seeking approval from the  
309 Town before leasing the units. Due to the circumstances of Covid and the fact that the  
310 tenant was working cooperatively to submit a ZBA application for review and approval, a  
311 Notice of Violation was not issued.

312  
313 5) The applicant’s narrative is as follows:

314  
315 **Narrative:**

316 *I am applying for a permit for my Trauma Clinic. We are a small counseling services*  
317 *offering clinical services to individuals 16+. Given the pandemic our current practice is*  
318 *operating at 90% virtually. We have fewer than 10 clients showing up for in person*  
319 *services.*

320 *Our practice currently consists of nine individuals. Of those nine, 3 work strictly from*  
321 *home. The other six spend less than 10 hrs. a week in the office. Given the layout of this*  
322 *space this will never be a full-time location for the clinicians in this practice.*

323 *We operate from 8-6 pm Mon through Friday. There are never more than three*  
324 *individuals in the office except on Thursdays from 12:30-2 which is when we do our*  
325 *clinical meeting.*

326 *The goal is that we will need to secure more appropriate office space, hopefully in Essex,*  
327 *when we become a in person clinic. For now, given our virtual nature this space meets*  
328 *our needs.*

329 *Attached are the application and Regulations found in 5.7*

330  
331 6) A floor plan, as drawn by Scott & Partners Architecture, entitled, *8 Carmichael Street*  
332 *SECOND FLOOR SUITES 204 & 205* was submitted in support of this application.

333  
334 7) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on  
335 the property.

336  
337 8) The abutting property owners were notified of this meeting by certified mail.

338  
339 9) The landowner and applicant were mailed a copy of this Staff Report prior to the meeting.



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- 10) On July 21, 2021, the Selectboard approved doubling the fees for any after-the-fact ZBA or PC approval(s), Zoning/Use Permits and Certificate of Occupancy inspections. The After-the-Fact costs are required to be paid as a result of this application.
- 11) The *Town of Essex Development Fee Schedule*, reads,  
*Legal Reviews: All expenses for legal reviews required from approvals by the Planning Commission and Zoning Board shall be paid by the applicant(s).*
- 12) Jackie Corbally spoke on behalf of this application. No one from the public commented on this application.
- 13) In an email dated 12/29/2021, Public Works said, *Public Works Takes no exception to the application as submitted.*
- 14) In an email dated 12/14/2021, the Recreation Director said, *EPR has no concerns with this application.*
- 15) In an email dated 12/14/2021, the Police Chief said, No comments from PD.
- 16) In an email dated 12/14/2021, the Fire Chief said,  
*The Fire Department requests that keys to this business be placed in the building Supra box and that the Business Owner keep their emergency contact information with the Essex Police Dispatch center.*
- 17) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, **the applicant** provided the following response:
- 1) Capacity of Existing or Planned Facilities:**  
*We are a staff of nine. Three staff work strictly from home. Given the design of the space there are no more than four staff in the space at one time. Out of our clinical census ten require in person services. There will never be more than five in the space.*
- 2) Character of the area affected:**  
*Given the small footprint the area will not be impacted. This is not a permanent or full time working space for any of the staff attached to this clinic.*
- 3) Traffic on Roads and Highways:**  
*There are never than four staff at the location at one time. Two of the staff carpool. The few in person clients take the bus or walk to the clinic.*
- 4) Bylaws and Ordinances:**  
*None are impacted*
- 5) Conformance with Town Plan and Community Character:**  
*This is a very low impact practice. There are no appliances being utilized and no more than 3 computers at a time.*

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***B (1,2, & 3)- Specific Standards***

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*There are no special requests being asked for by the town. We deem ourselves as a low impact tenant. We have few staff as most work from home. We have few in person clients due to the pandemic. When we move out of the pandemic over the next year, we will need to find space that has private offices and group rooms.*

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18) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, the Zoning Board finds the following:

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h. There will be no adverse effect on the capacity of the existing or planned community facilities;

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i. There will be no adverse effect on the character of the area/neighborhood affected;

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j. There will be no adverse effect on traffic on roads and highways in the vicinity;

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k. The proposed use will be in compliance with the bylaws now in effect;

401

l. The proposed use will not adversely affect utilization of renewable energy resources;

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m. The proposed use is in conformance with the Town Plan;

404

n. The proposed use does not require site plan review; and

405

o. The proposed use is in conformance with community character.

406

**CONDITIONS:**

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408

1. Prior to leasing or occupancy of any commercial units within any of the existing approved buildings, the landowner shall secure, or have its potential tenant(s) secure a Use/Fit-up and Occupancy Permit and/or submit application(s) for Zoning Board of Adjustment or Planning Commission approval(s), even if the use is the same or similar.

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411

2. The applicant shall pay the After-the-Fact fees for the Zoning Board review.

412

413

3. The landowner and current tenant shall secure a use permit, construction permit; occupancy inspection, and submit a sign application, including, fees and after-the-fact fees associated with this business.

414

415

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4. The applicant shall pay all legal fees resulting from this application.

417

418

5. The applicant shall provide a copy of the Department of Fire & Safety Inspection Report to the Zoning Administrator prior to the issuance of a Use Permit.

419

420

6. Center for Trauma Recovery located at 8 Carmichael Street, Suite 204 & 206, shall be operated as noted in Finding 5 above. The tenant shall notify the Zoning Administrator of any changes to the business from virtual to on-site and the Zoning Administrator shall determine if the changes are di-minimis or require an amendment to the ZBA approval.

421

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7. The applicant shall contact the Essex Fire Department and provide keys to its business to be placed in the building Supra Box and shall provide the Essex Police Dispatch center with its emergency contact information.

424

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426

8. By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees for themselves 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.

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432 **AGENDA ITEM 4: MINUTES: December 2, 2021:**

433

434 **Vice-Chair Plageman MOVED and Board Member Yandow SECONDED a MOTION to**  
435 **approve the 12/2/21 minutes with the following changes:**

436

437 Line 63: Change “reach” to “each”;

438 Line 91: Change “is” to “it”;

439 Line 93: Change, “if he did” to “if it did,”;

440 Line 148 Change “Norton” to “Martin”;

441 Line 456: Change to read, “Vice-Chair Plageman Moved and Board Member Yandow Seconded  
442 a Motion to approve the 9/2/2021 minutes as written. The Motion passed 5-0.”

443

444 **The MOTION passed 5-0.**

445

446 **OTHER BUSINESS:**

447

448 Kelley reported that she is expecting one application for the February ZBA meeting.

449

450 The meeting adjourned at 7:03 p.m.

451

**ZONING BOARD OF ADJUSTMENT**

452

By:

453

454

Nick Martin, Chair

455