

**CITY OF ESSEX JUNCTION  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
SEPTEMBER 18, 2025  
DRAFT**

**MEMBERS PRESENT:** John Alden, Chair; Maggie Massey, Vice-Chair; Luke Brockmeier; Cristin Gildea, Dylan Zwicky

**ADMINISTRATION/STAFF:** Michael Giguere, City Planner; Claudine Safar, Attorney; Chris Yuen, Community Development Director

**OTHERS PRESENT:** Craig Dwyer, Ron Frey, John Hunter, Sara Marie Massino, Tim Miller, Sharon Willie Padnos, Stephen Willie Padnos, Jason Struthers, Chris Workman, Chris Welch

**1. CALL TO ORDER**

Mr. Alden called the meeting to order at 6:30 PM.

**2. ADDITIONS OR AMENDMENTS TO AGENDA**

None.

Mr. Giguere said that this is a hybrid meeting, and that staff are present at 2 Lincoln Street to ensure public participation. While efforts will be made to accommodate remote public participants, in-person participation is the only legally mandated form of public participation. If there are technical difficulties the meeting may be paused and resumed on October 16th, 2025. All votes that are not unanimous will be done via roll call. A roll call attendance was conducted.

**3. PUBLIC TO BE HEARD**

None.

**4. MINUTES**

**a. Regular Meeting – August 21, 2025**

**DYLAN ZWICKY** made a motion, seconded by **LUKE BROCKMEIER**, to approve the minutes of August 21, 2025, as drafted. Motion passed 5-0.

**5. PUBLIC HEARING**

**a. Variance application requesting relief from the minimum lot frontage requirement of Section 720 of the Land Development Code at the future site of Lot 6A, adjacent to 29 Taft Street in the R1 District by Center for Technology, Essex, owners.**

Mr. Welch, Residential Building Instructor at the Center for Technology Essex (CTE), presented. He said that state permitting has been sought for a road connecting Meadow Terrace and Taft Street. The state has wetlands designation concern on lot 8A. CTE wishes to begin construction on lot 6A while awaiting the state to issue a permit for the roadway. Construction of a temporary driveway is being sought which will not be used after the permanent road is constructed. There is a possibility that the temporary driveway may need to be made permanent, however this is not the desired solution.

Mr. Giguere swore in all participants. Staff and the DRB have concerns about the possibility that this could be permanent. Mr. Giguere said that staff are requesting that the driveway is reconfigured after the

permanent road is created. The variance will allow the applicant to build a single-family home on this parcel as if a road existed. If the roadway cannot be constructed, all proposed units will still be able to be accessed. The wetland present in the roadway is Class 2 and takes up a great deal of lot 8A. Mr. Alden referenced an executive order issued yesterday which may help with solving this problem. Should the executive order be able to assist with this, the temporary driveway would still be used.

Mr. Alden requested public comment, of which there was none. Mr. Giguere read the following proposed condition: "Upon completion of the roadway connecting Taft Street to Meadow Terrace, the applicant shall reconfigure the temporary driveway serving Lot 6A to comply with the special standards of Section 618.H of the Land Development Code."

**LUKE BROCKMEIER made a motion, seconded by CRISTIN GILDEA, that the DRB approve the variance request seeking relief from the minimum lot frontage requirement of Section 720 of the Land Development Code at the future site of Lot 6A, adjacent to 29 Taft Street in the R1 District by Center for Technology, Essex, owners, with conditions. Motion passed 5-0.**

**b. Appeal of Administrative decision regarding the issuance of a Notice of Violation for a cannabis cultivation operation at 8 Taft Street in the R1 District by Jason Struthers, owner.**

Mr. Giguere said that Essex Junction issued a notice of violation against Mr. Struthers for outdoor cannabis cultivation. Mr. Struthers claims that cannabis cultivation is grandfathered and should be allowed to continue. Staff do not believe that this is the case. Mr. Alden said the state Supreme Court has ruled that municipalities can regulate where cannabis cultivation can occur. Essex Junction bars cannabis cultivation in the R1 district, where this property is located. The Land Development Code (LDC) prohibited agricultural uses in the R1 district prior to 2022, when Mr. Struthers's began cultivation.

Mr. Struthers said that cannabis is not considered to be agriculture under Vermont state law and has protection from nuisance regulations. He believes that he received licensing prior to the changes to the LDC. He also believes that Essex Junction is in violation of state law by establishing a cultivation district. The Cannabis Control Board is encouraging municipalities to no longer use this. Essex Junction is the only community to issue a cannabis-related violation in the state. He said that he has lawfully developed his business since the LDC has been in place, has a business license and has continually operated his business and thus should be grandfathered.

Mr. Alden requested public comment. Mr. Willie Padnos, neighbor to the appellant, said that this is a frivolous appeal. He said that Mr. Struthers previously stated that cannabis cultivation was classified as agriculture at the time of establishment. He said that cannabis cultivation is farming, not agriculture. The cannabis cultivation establishment was never legal and thus could not be grandfathered. Mr. Willie Padnos believes that Mr. Struthers is required to comply with applicable municipal ordinances as a part of his cannabis license. He said that Mr. Struthers has also expanded the scope of his operation since changes were made to the LDC. There is not any part of the property where a 50-foot buffer is respected. Mr. Willie Padnos said that Mr. Struthers's use of the site has created a large problem on his property and requested that the maximum fines be issued against Mr. Struthers.

Mr. Frye said that he is a close neighbor to Mr. Struthers. He discussed the impact of the odor from Mr. Struthers's property and said that some neighbors feel that their children cannot play outside. He said that the homes in the area have a diminished resale value as a result. He believes that the Right to Farm Act

was intended to protect farms that were later surrounded by residences, not those who chose to farm in an existing neighborhood. Mr. Workman asked if any type of survey of neighbors was conducted, and Mr. Alden said that he was unaware if this had ever occurred. Mr. Workman questioned why the applicant would think that he could farm in the middle of a residential neighborhood. He said that his asthma is set off by the odor of manure and marijuana and that he cannot invite guests to a BBQ at his home because of the odor. As a former realtor, he discussed the impact on property value and desirability. He encouraged the applicant to find a better space for his business.

Mr. Struthers responded to comments that were made. He said that his property is a farm, which Mr. Alden said is in violation. He said that he has a preexisting non-conforming use. He said that he is happy to go to court over this issue and challenge Essex Junction's cultivation district. He does not believe that the 50-foot setback is applicable to his property. He said that there is no "feelings police" and that feelings are not relevant in this situation. He said that he has pictures of his neighbors utilizing their backyards. He said that he does not have equipment and said that there would always be cannabis growing in his yard. Ms. Willie Padnos said that licensing is not a continual process and that regulations are constantly updated. Mr. Dwyer said that this is not a good location to grow cannabis since the homes are close together. He said that cannabis is growing along his fence line near where his children play. He feels that he cannot have birthday parties for his children in the yard and would like his house not to smell of marijuana.

Mr. Yuen, Zoning Administrator, reviewed the reasoning for his decision. He said that the notice of violation was sent due to a Supreme Court decision stating that outdoor cannabis cultivation was not exempt from zoning regulations. Agriculture has always been prohibited in the R1 district. Cannabis cultivation licensing requires conforming with the local regulations annually. Any expansion of non-conforming use is prohibited. Mr. Struthers said that Mr. Yuen is "ignorant of the law" and said that he does not expect a fair hearing and expects that this issue will go to court. He claims that his original license allows him 125 plants per year. There was no local cannabis control commission when he received his initial license. Mr. Frye claims that Mr. Struthers is intimidating and gives him "the finger" when he drives by. He does not feel that the town should be intimidated by him. Ms. Massey requested that Mr. Struthers allow others to speak and show respect to others when they are speaking.

Mr. Alden closed the public hearing. He said that the courts have clarified that municipalities have the right to control where any uses occur. There has never been a point in time when Mr. Struthers's uses of his property were legal.

**DYLAN ZWICKY made a motion, seconded by LUKE BROCKMEIER, that the Development Review Board uphold the Administrative Officer's Notice of Violation for the cannabis cultivation operation at 8 Taft Street in the R1 Residential District. Motion passed 5-0.**

Mr. Alden said that he hopes to see enforcement occur on properties that violate the LDC.

## **6. OTHER DEVELOPMENT REVIEW BOARD ITEMS**

None.

## **7. ADJOURNMENT**

**LUKE BROCKMEIER made a motion, seconded by MAGGIE MASSEY, to adjourn the meeting. Motion passed 5-0 at 8:41 PM.**

Respectfully submitted,  
Darby Mayville