

TOWN OF ESSEX DEVELOPMENT REVIEW BOARD
REGULAR MEETING
MINUTES OF MEETING
February 5, 2026

DEVELOPMENT REVIEW BOARD: *In person:* Sharon Zukowski, Acting Chair; Stephanie Bixby, Clerk; Dustin Bruso; Hubie Norton; Nick Martin. *Online:* Ian Carroll, Trefor Williams.

ADMINISTRATION and STAFF: *In person:* Kent Johnson, Town Planner; Brittany McGregor, Planning Technician.

OTHERS PRESENT: *In person:* Melissa Chalmers, Michael Chalmers, Glenn Cummings, Bryan Currier, Peter Edelmann, Ellen Gerke, Tiffany Gershon, Samantha Kirwan, Dan Mellinger, Sara Mellinger, Maureen Sandon, Peter Sandon. *Online:* Linda Faber, Mike Faber, Estelle LeClair, Kasia Lucia, Lucia Family, Neighbor, Samantha Miller, Alexis Sfregola, L. Whitmore.

1. CALL TO ORDER

Acting Chair Zukowski 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

Dustin Bruso made a motion, seconded by Stephanie Bixby, to approve the agenda as presented. The motion passed 7-0.

4. PUBLIC TO BE HEARD

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

5. PUBLIC HEARING

a. **Boundary Line Adjustment** – Richard & Nancy Jenny are proposing a boundary line adjustment to convey 8.43 acres from 31 Brigham Hill Lane (Parcel ID 2-017-008-002) to 43 Brigham Hill Lane (Parcel ID 2-017-003-000) located in the Conservation (C1) District. 31 Brigham Hill Lane will decrease in size from 27.77 acres to 19.35 acres. 43 Brigham Hill Lane will increase in size from 110.7 acres to 119.1 acres.

Nick Martin made a motion, seconded by Dustin Bruso, to open the public hearing for the Boundary Line Adjustment. The motion passed 7-0.

Planning Technician McGregor summarized the proposed boundary line adjustment, beginning by stating that the proposal is fairly straightforward and simple. She also noted that the applicants own both parcels of land and that this proposed adjustment will not make either parcel non-conforming and that there would still be adequate lot frontage on both parcels.

Bryan Currier of O'Leary-Burke Civil Associates, spoke on behalf of the Applicants. He noted that he and the Applicants have reviewed the proposed conditions from Town staff and they will accept them as written.

Dustin Bruso made a motion, seconded by Stephanie Bixby, to close the public hearing. The motion passed 7-0.

Stephanie Bixby made a motion, seconded by Ian Carroll, to approve the Boundary Line Adjustment as proposed in the staff report and outline. The motion passed 7-0.

- b. **Site Plan** – Glenn & Ronalyn Cummings are proposing a 16,100 square foot warehouse building at 22 Corporate Drive (Parcel ID 2-072-003-022) located in the Resource Preservation District-Industrial (RPD-I). This was previously approved in October 2022, but the approval has since expired. Included in the October 2022 approval was a waiver to clear the 50” bugger and replant with streetscape consistent with other parcels on Corporate Drive.

Dustin Bruso made a motion, seconded by Nick Martin, to open the public hearing for the Site Plan. The motion passed 7-0.

Planning Technician McGregor began by noting that this site plan was approved in 2022 but that the zoning permit to do the site work and clear the buffer was pulled in June of 2022. She said that they are proposing a 16,100 square foot warehouse building that meets all regulations. She said that the plan includes a pedestrian path that will connect the building to the driveway. She noted that there is a buffer in the back, given that the site abuts to Samd Hill Road. She said that the DRB can choose to honor the waiver or replant the buffer. She said that the site plan currently includes a proposal to replant street trees that will match the trees along Corporate Drive. Board Member Carroll clarified that the street trees will be planted in the buffer, not the street or in the public right-of-way. Board Member Norton noted that there are buildings that are not shown on the plan in lots adjacent to this proposed site plan, though this detail is not germane to the approval of this application. The Applicant confirmed that there are buildings that are not shown on the plan map. Acting Chair Zukowski asked about landscaping and screening requirements, and Planning Technician McGregor spoke about past waivers related to street trees and buffers which have resulted in current state. She noted that the DRB could approve the site plan and require the Applicant to update its landscape plan to provide more screening, or it could require the Applicant to replant the buffer. Board Member Bruso said that the regulations have not been updated and there is room for interpretation for requirements. Board Member Norton noted that the DRB can't undo past waivers for Corporate Drive, that the landscaping objectives for the RPD-I District is to preserve the forest cover, and that street trees are not listed as part of this objective. He said that in this instance, proposals should match what is already in place even if it's not aligned with that stated objective.

Bryan Currier of O'Leary-Burke Civil Associates and Glenn Cummings spoke on behalf of the Applicants. Mr. Currier provided a history of the buffer waiver. He noted that the project had previously been approved and the building permit was pulled to clear the buffer and a waiver was issued to legally clear the trees. He said that there was never a permit issued to construct the building and that the building hasn't been constructed, but that the site plan approval has now lapsed and the Applicant is seeking approval from the DRB through this application. He noted that as configured, the frontage is less and therefore the buffer area is less. He noted that the project must install a driveway, water main, sewer line, power line, stormwater, and a pedestrian path that had been approved outside of the right-of-way on the property. He noted that for adjacent lots along Corporate Drive, the buffers are consistent with what is being proposed in this application. He said that the Applicant is open to different species of landscaping than what they have proposed, if the DRB desires different species. He spoke about the condition of approval that would require a 5-foot-wide sidewalk connecting the building entrance to Corporate Drive, and said that the Applicant is proposing to pave a wider driveway

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(24 feet rather than 20 feet) and paint a stripe to designate a pedestrian walkway along that. He noted that there has been little pedestrian activity in this area, hence why they are proposing this alternative to a sidewalk.

Board Member Martin asked about the traffic analysis for employee trips and Mr. Cummings clarified that employees would typically generate three morning trips and four afternoon trips at peak. Board Member Martin requested that the Applicant provide a summary of the site photographs he had submitted, and the Applicant did so.

Members of the public were invited to comment. Lois Whitmore asked why the requirements for the RPD-I District (such as prohibition on street trees) are not being considered for this application and why the previous waiver is being considered. Planning Technician McGregor noted that the current regulations allow for a waiver of the 50-foot buffer requirements, but that this may change when new regulations go into effect. She said that waivers for zoning regulations can't be used in subdivision and waivers for subdivisions can't be used for zoning, but that the 50-foot buffer waiver is still allowable for this application.

Hubie Norton made a motion, seconded by Ian Carroll, to close the public hearing. The motion passed 7-0.

Board Members confirmed that they have enough information to make a decision, but discussed the application further. Board Member Bruso said that the 50-foot buffer waiver is not an issue in this application, given that the waiver had been granted previously and that the buffer had previously been cleared under that waiver. Board Member Zukowski said that she would like to see more screening. Board Member Bruso said that he would like the street tree species to be selected by staff and that those trees should be guaranteed for the life of the project. He also said that he would be comfortable with either a sidewalk or the Applicant's proposal for a wider driveway for pedestrian use. Board Member Norton agreed with Board Member Bruso about honoring the work done appropriately under the previously-granted buffer waiver, and agreed with Board Member Zukowski about wanting additional screening, but said that any additional screening should be consistent with existing landscaping (even though he does not agree with how there was not a sufficient attempt to preserve the buffer under the previous waiver). Board Members Martin, Bixby, and Carroll agreed with these points. Board Member Carroll said he would like to see a condition of approval that the landscaping is approved by staff, and that it both matches existing plantings and provides more adequate screening. Board Member Williams agreed.

Town Planner Johnson noted that the site plan as presented isn't clear about how wide the proposed trees would be when they are mature, given that there is not much existing frontage to plant additional trees. He said that if the DRB would like the crown width to be included to ensure adequate fill, staff could work with the Applicant to ensure that the mature size of the trees will fill in appropriately.

Board Member Norton said he would like to see the Planning Commission produce more specific guidelines for landscaping requirements and species selection, and Town Planner Johnson noted that staff work with the Tree Warden to provide appropriate recommendations for specific applications where landscaping questions arise. He said that staff also works with the Conservation and Trails Committee on landscaping species recommendations.

Ian Carroll made a motion, seconded by Nick Martin, to approve the Site Plan Application for 22 Corporate Drive as presented with adjustments to the following conditions: Additional

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Findings by the Development Review Board – a previous buffer waiver had been approved and clearing and other work in the buffer had been conducted under that waiver that the DRB wishes to honor; Condition #2a - a 24-foot-wide driveway will be created with a 4-foot-wide delineated pedestrian path in a widened driveway rather than requiring a 5-foot-wide sidewalk; Condition #21 shall include added language - A landscaping plan shall be resubmitted to staff which will include approved trees and layered screening; Condition #10 shall be updated on lines 371 and 373 to add the word “surfaces” following the word “impervious.” The motion passed 7-0.

- c. **Site Plan Amendment** – Essex Resort Holdings LLC is proposing an 8 foot wide natural path, removing two of the existing tennis courts, adding a patio area with hot tubs behind the spa, a landscape berm, green house and other Zen garden amenities at 70 and 74 Essex Way (Parcel ID 2-093-001-000 and 2-093-001-002) located in the Mixed Use Development-Planned Unit Development (MXD-PUD) District.

Dustin Bruso made a motion, seconded by Nick Martin, to open the public hearing for the Site Plan Amendment. The motion passed 7-0.

Planning Technician McGregor noted a technical correction, which is that the Applicant is proposing to remove four tennis courts instead of two. She said that the two parcels in question are now under the same ownership and that the boundary line between the two will be dissolved. She said that once they remove the tennis courts, they are proposing to add a Zen garden that includes two greenhouses, sculptural elements, a berm to provide screening, and saunas, hot tubs, patio areas, and screening to provide privacy. She said that at 74 Essex Way, they are proposing to remove trees and add a natural path. She noted that there is a 30-foot buffer between this and any residential or commercial abutting properties. She said that the biggest issue with this amendment is that there has previously been a denial in 2020 for housing in this area because there was a previous commitment to have a 100-foot buffer in this area, though that has not been codified as a legal requirement or captured in the master plan for the Woodlands. Board Member Bixby asked for clarification, and Planning Technician McGregor said that there is no legal requirement for a 100-foot buffer, and that the proposed amendment meets the 30-foot buffer requirement that is in the regulations. She said that it was never designated as an official open space in the Planned Unit Development plans.

Bryan Currier of O’Leary-Burke Civil Associates and Peter Edelmann spoke on behalf of the Applicants. Mr. Edelmann clarified that the Applicant intends to install a cold plunge pool rather than a hot tub. He said that he is working with UVM’s integrative medicine program and a nationally recognized herbal specialist to create a sanctuary, walking paths, and medicinal/culinary garden and education center to differentiate the Essex Resort from other resorts in the area. He spoke about expanding the greenhouse program and species, expanding the Resort’s yoga programs to bring in yoga retreats, and working with artists to bring in more artwork. Mr. Currier spoke about the history of the 100-foot strip of land noted above by Planning Technician McGregor. He noted that in the past, Lang Farm had been split up into multiple parcels and went through subsequent subdivisions and acquisition by the Essex Resort. He noted that though this 100-foot strip of open space was discussed as part of a master plan, he noted that master plan presentations and suggestions are not binding and was not part of the subdivision requirements of this parcel in question. He noted that the 2020 denial was because it was proposing single-family homes in a mixed-use district, which were not permitted uses in this district. He noted that the proposed walking path in this amendment would meander, but would maintain the 30-foot buffer as required by the regulations.

Board Member Norton noted that there would be a berm that would be encroached upon slightly. He also asked for clarification on where the Town's sewer easement is in relation to the proposed site plan amendments, given that plantings cannot occur on that easement. Mr. Currier clarified where the easement is located and where the plantings would occur. Board Member Norton asked about lighting plans for the patio area and Zen garden area. Mr. Edelmann said that they are proposing ground lighting for the patio area and would not use the Zen garden area at nighttime, so therefore are not proposing lighting for that area. Board Member Norton asked about considerations for drainage. Mr. Currier noted that they are reducing the amount of impervious surface by removing the tennis courts, and that any runoff from the greenhouses would not be a net increase from current state. Board Member Norton asked if there are invasive species in the proposed walking path area and whether the Applicant intends to clear them. Mr. Currier replied that the current proposal would remove minimal vegetation and maintain the 30-foot buffer, and that they have not contemplated targeting invasive species specifically for removal. He also noted that the berm that would be constructed would be between 4-7 feet high and would create a sound and visual buffer in addition to the 30-foot buffer. He further noted that the amenities being proposed in this site plan amendment would not be open to the public but would be for the guests of the resort. Board Member Carroll asked about the surfaces that will be replacing the tennis courts, and Mr. Edelmann replied that it will include plantings of trees, flowers, herbs, as well as rocks and grassy areas. Board Member Carroll asked about anticipated volume of usage for the proposed trail and Zen garden area, and Mr. Edelmann replied that he hopes the guests will take advantage of them to the extent possible. Board Member Carroll asked how first responders would access this proposed area if necessary, and Mr. Currier replied that the Fire Chief requested a 20-foot emergency access area and that they are proposing to have a widened area with enhanced turf in order to access the greenhouse, but that they have not been able to meet with the Fire Chief on site to date to review this. Board Member Zukowski asked for confirmation that the walking path would be 8 feet wide, and Mr. Edelmann replied that the equipment needed to construct it would necessitate it being up to 8 feet wide in areas.

Members of the public were invited to comment. Melissa Chalmers, an abutting landowner, said that any tree clearing would expose her property to anything being built, even with the 30-foot buffer. She said that while the parcel in question has not been formally restricted as open space, it has been repeatedly approved, represented, and relied upon as a separation between the commercial resort activity and existing residential homes. She said that allowing this parcel to be converted into resort amenities would not change landscaping, but would change land use that had been established through prior approvals and that residents have relied upon for decades. She said that the 30-foot buffer must provide a year-round visual and sound protective function between commercial and residential uses. She urged the DRB to evaluate not just how wide the buffer is but also how well it functions. She said that even with the current 100-foot buffer, she and her neighbors are able to hear and see activity in the spa and hotel. She also expressed concern about emergency access requiring additional clearing within this buffer. She requested that the DRB deny the site plan amendment as it stands, and asked the DRB to consider formally designating this 100-foot woodland strip as a buffer or open space. Dan Mellinger, an abutting landowner, agreed with Ms. Chalmers' concerns, and spoke about the parcel in question (with the 100-foot woodland area) as designated in the original master plan as open space, saying that the 2020 denial was the result of the proposal not meeting the intent of the original approval. He said that current zoning regulations do not override the intent of an approved subdivision. He said that this proposal runs contrary to how the Town has previously interpreted open space for this parcel. He asked whether the Board has determined that Section 2.12 of the Town's subdivision regulations applies or does not apply to this proposed site plan amendment. Peter Sandon, an abutting landowner, expressed concern about the 100-foot buffer being decreased. He said that a narrower walking path would minimize impacts. He expressed concern about increased traffic and decreased privacy, and

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requested that the DRB deny this site plan amendment. Tiffany Gershon, an abutting landowner, said that the DRB should focus on the impacts of this site plan amendment to the community of the Town of Essex. She expressed concern about decreasing the 100-foot buffer between the Essex Resort and the abutting residential landowners, which raises privacy issues for her and her neighbors. Mike Faber, an abutting landowner, agreed with his neighbors and echoed their concerns. He also expressed concern about whether the Fire Department has been able to provide adequate feedback and have any of its own concerns addressed related to this proposed site plan amendment. He said that if the only option is a 20-foot wide-emergency access path through the 100-foot buffer, that is an additional concern. Ellen Gerke, a nearby landowner, expressed concern that the Zen garden and other amenities would result in increased visual and sound disturbance for the residents adjacent to the Essex Resort.

Mr. Currier noted that Section 2.12 of the Town's subdivision regulations are not applicable to site plan amendment applications such as this. He further noted that the Town's definition of open space is for land that is not yet developed, but said that the 100-foot-buffer in question has been developed. Mr. Edelman said he would be open to reducing the width of the proposed walking path, and said that the walking path could not serve as an emergency access path. He said that the walking path is not intended to have roads or lights or other development. Ms. Chalmers, who had previously commented, said that when she purchased her home last year she was told that the 100-foot buffer was designated open space and would remain so, and she expressed concern that her property will be difficult to sell if there is a walking path and further spa amenities built within the buffer. Mr. Currier noted that his firm had looked into the property lines for residential properties on Lang Drive that abut the Essex Resort, and noted that there is some encroachment from some of the property owners, and they would be open to a boundary line adjustment to the 100-foot open space in question.

Dustin Bruso made a motion, seconded by Ian Carroll, to close the public hearing. The motion passed 6-1 (Hubie Norton dissenting).

Board members discussed whether to enter into a deliberative session to determine what further questions they may have for the Applicants and to take public comments into consideration when making their decision on this site plan amendment. They weighed whether a private deliberative session is appropriate or would be perceived as a lack of transparency by the public.

Dustin Bruso made a motion, seconded by Stephanie Bixby, to move into a private deliberative session, including Town staff, to discuss the Site Plan Amendment for Essex Resort Holdings, LLC. The motion passed 5-2 (Hubie Norton and Sharon Zukowski dissenting) at 8:57 P.M.

Acting Chair Zukowski noted that the DRB is still in deliberative session and will issue a decision about the proposed site plan amendment within 45 days of tonight's hearing.

Dustin Bruso made a motion, seconded by Ian Carroll, to amend the agenda to remove the remaining items (Agenda items #6-8). The motion passed 7-0.

~~d. **WITHDRAWN**—Sketch Plan—Eurowest Retail Partners, LTD are proposing to add three residential buildings with a maximum of 155 residential units and associated parking at 21 Essex Way (Parcel ID 2-092-002-000) located in the Mixed Use Development Planned Unit Development (MXD-PUD) District and Retail Business (B1) Subzone.~~

6. BUSINESS ITEMS

a. Further discussion and action, if necessary, regarding Operating Procedures

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No discussion – item removed from the agenda.

7. OTHER BUSINESS

No discussion – item removed from the agenda.

8. PROPOSED EXECUTIVE AND/OR DELIBERATIVE SESSION

- a. All meetings have a potential for an executive and/or deliberative session per 1.V.S.A. §313 & 312 (e)(f).

9. READING FILE

- a. EDC Comments for 21 Essex Way application
- b. Notice for Boards with link to Handbook
- c. Meeting Remotely Due to a Storm

10. ADJOURN

Stephanie Bixby made a motion, seconded by Sharon Zukowski, to adjourn the meeting. The motion passed 7-0 at 9:48 P.M.

Respectfully Submitted,
Amy Coonradt,
Recording Secretary

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

Ian Carroll, Chair