

33 **74 Essex Way**

34 On February 28, 1985, the Planning Commission granted final subdivision approval for an 11-lot
35 subdivision of the Lang Farm which consisted of a mix of land uses including retail/commercial,
36 residential, and recreation/open space. The land was initially divided into 9 lots (lettered A
37 through I), but two of those parcels were further subdivided by number (A-1 and D-1) at the time
38 of final approval to create 11 lots. Parcel D of this subdivision included all the land east of what
39 is now Essex Way south of VT-289 and north of the Woodlands subdivision (which
40 encompasses Parcels H and I).

41 The plan associated with the 1985 Lang Farm subdivision approval, recorded in Slide 159 of the
42 Town's Land Records, shows a 100-foot setback between the Inn at Essex property (Parcel D-1)
43 and Parcel H, the first phase of the Woodlands neighborhood.

44 On March 14, 1985, the Planning Commission approved development of Parcel D-1, currently
45 addressed as 70 Essex Way, for the Inn at Essex (now "The Essex Resort & Spa") with
46 associated site improvements. The application was reopened and approved by the Selectboard on
47 September 8, 1986. Neither approval, nor any subsequent approvals, specifically required a
48 buffer or setback from adjoining parcels.

49 The administrative findings for the Parcel H sketch plan dated July 8, 1986 acknowledge that a
50 100-foot buffer zone is shown between Parcel D-1 (the Inn at Essex) and Parcel H, and that it is
51 designated as open space and retained by John and Nancy Lang. Neither this finding nor any
52 conditions related to the buffer were included in the final plan approval by the Planning
53 Commission.

54 The Planning Commission issued a conceptual (or master plan) approval for the Lang Farm
55 Development on January 15, 1988. Parcel D-2 is listed as "Open Space" in this approval under
56 Finding 1 and included the 100-foot buffer between Parcel D and H as well as a 2.25-acre piece
57 of land east of the Inn at Essex property. Finding 5 notes that the Langs intended to convey
58 Parcel D-2 to the Inn at Essex (Parcel D-1). Additionally, Finding 2 noted that not all the
59 subdivided parcels, including D-2, had been formally surveyed, and that those parcels should be
60 shown on any mylar approved in the future. Subsequent master plans, including one dated
61 October 1993, continued to show Parcel D-2 as "Open Space."

62 On August 25, 1988, the Langs conveyed the 2.25-acre portion of Parcel D-2 (not including the
63 100-foot buffer) to the H.E.F. Partnership (the developers of the Inn at Essex property). The
64 warranty deed (Land Records book 297 page 230) references Slide 209 (the plat for the Parcel H
65 subdivision). This new parcel became known as Parcel D-2.1. An Act 250 permit (#4C0608-9,
66 recorded in Land Records book 235 page 111) was issued for the subdivision and conveyance of
67 this parcel on August 25, 1988, but it is unclear when, if ever, Town approval was granted
68 explicitly for the subdivision of Parcel D-2.1.

69 Correspondence between the Zoning Administrator and the owners of the Inn at Essex in 1995
70 confirms that Parcel D-2 was designated as a buffer. With regards to its development potential,
71 the Zoning Administrator's letter stated that the Planning Commission (now DRB) may
72 determine that the buffer is still necessary, or it may determine that current zoning restrictions

73 regarding buffers would apply (which currently require a 30-foot buffer between new
74 commercial or multifamily uses and existing residential uses).

75 From letter to Eurowest Properties, Inc dated June 14, 1995:

76 *You asked a question about why parcel D-2 (the 100 foot open space lot) was left along*
77 *the rear of the lots on Lang Drive. I have researched the files for Parcel H subdivision*
78 *and find that there is no mention of this area at all in the Planning Commission findings.*
79 *The only reference is in the Master Plan approval which says that the open space area*
80 *was being option for the Inn to purchase. I believe that you now own parcel D-2.1 as*
81 *show on the easterly end of your site, however, you decided not to purchase the 100 foot*
82 *area on the rear of the lots fronting Lang Drive.*

83 *In my opinion, the one-hundred foot (100') open space was designated, at the time, as a*
84 *buffer between the Inn parcel and the residential lots. However, the present Zoning*
85 *Regulations will permit a thirty foot (30') buffer between commercial uses and residential*
86 *lot lines. If the Planning Commission, after review, deems the one-hundred foot (100')*
87 *open space to the rear of parcel H lots to be necessary, you could only build to the*
88 *required distance from the property line that now exist. If the Planning Commission*
89 *determines that a one-hundred foot (100') buffer area is not necessary, then you could be*
90 *permitted to construct buildings and/or driveways within thirty feet (30') of the rear of*
91 *parcel H lot lines.*

92 On November 17, 2003 the Community Development Director approved a minor site plan
93 amendment for the development of tennis courts on the 2.25-acre Parcel D-2.1.

94 On February 13, 2020 the Planning Commission denied a Final Plan Amendment application for
95 two residential lots and associated driveways to be created at 74 Essex Way. See attached letter.

96

97 **FINDINGS**

98 **1. Applicant**

99 Essex Resort Holdings LLC
100 PO Box 8567
101 Essex, VT 05451

102

103 **2. Proposal**

104 The proposal is to remove two of the three existing tennis courts and create several resort amenities
105 behind the existing health spa and at the back of the property located at 70 Essex Way (Parcel ID
106 2-093-001-000) and 74 Essex Way (Parcel ID 2-093-001-002) in the Mixed Use Development-
107 Planned Unit Development (MXD-PUD) district. Behind the existing health spa, at 70 Essex Way,
108 is a proposed patio with saunas and hot tubs. In the rear of the property, where the tennis courts
109 are currently, is proposed as a “Zen Garden” including a landscape berm, a labyrinth, multiple
110 sculptures, two greenhouses, a pond, terraced gardens, a kiln, a pizza oven and numerous trees

111 and plantings. An 8’ wide natural path is proposed for the southern portion of 70 Essex Way as
112 well as through the parcel at 74 Essex Way. The trail is to be cleared of existing tree cover, with
113 no gravel or pavement proposed.

114

115 **3. Article V, Section 5.6 of the Zoning Regulations: Site Plan Amendment**

116 As a commercial use, the project requires site plan review pursuant to Section 5.6 of the Town of
117 Essex Zoning Regulations. The purpose of site plan review is to ensure compliance with the Town
118 Plan, the Zoning Regulations, and conditions of previous approvals, if any. Site plan review
119 standards specifically include preservation of natural and scenic features, layout of development,
120 access, internal circulation, parking, landscaping, lighting, and utilities and fire protection.

121

122 The Applicant has submitted the following plans:

- 123 • Sheet 1, “Existing Conditions,” prepared by O’Leary-Burke Civil Associates, PLC, dated
124 11/19/2025.
- 125 • Sheet 2, “Overall Zen Garden Landscaping Plan,” prepared by O’Leary-Burke Civil
126 Associates, PLC, dated 11/19/2025.
- 127 • Sheet 3, “30-Scale Landscaping Plan,” prepared by O’Leary-Burke Civil Associates, PLC,
128 dated 11/19/2025.
- 129 • Sheet 4, “Zen Garden & Trail Site Plan,” prepared by O’Leary-Burke Civil Associates, PLC,
130 dated 11/19/2025.

131

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

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

134 The project does not propose any changes that would be applicable to the 2024 Essex
135 Town Plan.

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

137 This project is located in the Mixed Use Development-Planned Unit Development
138 District (MXD-PUD) and must conform to the standards listed in Table 2.11 of the
139 Zoning Regulations.

140 Per Table 2.11(D1) Dimensional requirements for nonresidential uses shall be those
141 specified for the B1 District (Table 2.9).

142 **(a) Table 2.9, Retail Business District (B1) Standards**

143 **i. Purpose**

144 The project reflects the purpose of the B1 district as it supports the existing
145 commercial and business areas.

146 **ii. Permitted and Conditional Uses**

147 Accessory Structures/Use are permitted uses in the B1 district.

148 **iii. District Dimensional Requirements**

149 The proposed project conforms to Table 2.9(D), Dimensional Requirements of
150 the B1 district, as noted below:

Dimensional Requirements (With off-site water and sewer)	Required	Proposed
Minimum Lot Area – Nonresidential	30,000 sq. ft.	946,198 sq. ft.
Minimum Lot Frontage	150 ft.	~467.3 ft.
Minimum Front Setback (from ROW)	50 ft.	90 ft.
Minimum Side Setback	None	N/A
Minimum Rear Setback	None	N/A
Minimum Buffer to Residential Districts	30 ft.	32 ft.
Maximum Lot Coverage – All	70 %	32.3 %
Maximum Height	40 ft.	< 40 ft.

151

152 **iv. District Development Standards**

153 The proposed project design complies with the District Development Standards.

154 The B1 district requires a 30’ buffer where new nonresidential structures or uses
155 are on lots adjoining residential zoning districts. Zoning Regulation Standards
156 3.2 Buffer Areas and Screening, section B5 reads:

157 “The buffer area shall be provided with dense plantings, decorative fencing
158 and/or land forms which will provide a year-round visual screen between the
159 non-residential use and the residential districts.”

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

161 In an email dated 11/24/2025, the Essex Fire Department provided the following
162 comments:

163 *Can you please clarify the extent of this application? It seems to be asking for a*
164 *boundary line adjustment, but is including how they want to build a greenhouse,*
165 *kiln, and pizza oven, all out in the space that has zero access for emergency*
166 *vehicles.*

167
168 *To the extent that this is for just a boundary line adjustment, the Fire Department*
169 *has no objections.*

170
171 *The Fire Department has objections to the proposal of any buildings or other*
172 *devices/structure that would pose a safety hazard such that it may one day require*
173

174 *a fire department response. More discussion is needed before approvals should*
175 *be given.*

176 Further comments from EFD in an email dated 12/4/2025

177 *They must have a fire lane (minimum 20' wide) to the proposed structure. This is*
178 *required by the code and is consistent with several other recent applications that*
179 *we have made the same requirement. Their current building (the Spa) does not*
180 *meet NFPA code for fire department access and is a significant liability risk that*
181 *should never have been allowed. The Town cannot continue to accept this risk for*
182 *further development.*

183 *If we meet up at the site, this answer will not change so I am not seeing the value*
184 *for such a meeting.*

185 In response to staff questioning if the structures in the above are the two greenhouses,
186 email dated 12/12/2025 reads:

187 *Correct, the new structures that they are proposing must have a fire access road*
188 *going up to them. Their proposed 8' wide path does not meet code and needs to be*
189 *improved so that it meets the current (2021 Edition) of NFPA code.*

190 In an email dated 11/24/2025, Essex Police Department providing the following:

191 *No comments from PD.*

192 **4. Outstanding violations**

193 This parcel does not have any outstanding zoning violations.

194

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

196 The Zoning Regulations state that “site layout and design, to the extent feasible, shall
197 incorporate and protect significant natural features as identified on the Significant Features,
198 Scenic Resources, and Water Resources Maps contained in the Town Plan of record or
199 through site investigation.” This is evaluated through the following criteria:

200 **1. Topography**

201 The Zoning Regulations call for minimal changes to a site’s topography and vegetation,
202 specifying that a site “shall be planned to retain, insofar as possible, the natural contours
203 and to conserve the natural cover and soil.”

204 The proposed changes will not affect the topography of the site.

205 **2. Steep Slopes**

206 The regulations state that: “Development is discouraged on slopes of 15 percent or
207 steeper due to the likelihood of erosion and stormwater runoff problems. Development
208 shall be prohibited on slopes of 20 percent and steeper due to the likelihood of
209 environmental damage.”

210 The existing site is relatively flat (0-5% slopes) with no steep slopes.

211 **3. Surface Waters and Wetlands**

212 The property does not contain surface waters nor wetlands.

213 **4. Renewable Energy**

214 The Applicant has not proposed utilization of renewable energy. The proposal would
215 not impact the ability of neighboring properties to use renewable energy.

216 **5. Open Space**

217 The parcel for the proposed project is in the B1 district and not in a rural location.

218 In an email dated 12/1/25, the Parks & Recreation Department provided the following
219 comments:

220 *No comments from Essex Parks & Recreation.*

221

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

223 Pedestrian and vehicular access to the site, including road intersections, shall meet all
224 applicable design standards, including the Town's Public Works Specifications and related
225 access requirements under Section 3.1.

226 The application does not propose any changes to the existing site access.

227

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

229 The DRB shall consider and may impose conditions as necessary to ensure the adequacy
230 of on-site vehicular and pedestrian circulation.

231 (1) Particular attention shall be given to safety, including:

232 a) Aisle width to accommodate emergency vehicles;

233 *See comments from Fire Department on lines 163-188*

234 b) Traffic and pedestrian movement patterns;

235 c) The location of parking areas and loading docks to prevent conflicts with
236 traffic entering and exiting onto a public street.

237 (2) Consideration shall be given for accessibility as requires by the *Americans with*
238 *Disabilities Act* and related regulations as most recently amended, including
239 associated parking standards under Section 3.9.

240 No proposed changes to existing parking.

241 (3) The DRB may require pedestrian walkways to facilitate pedestrian movements.

242 The plans show pedestrian pathways connecting the parking areas and
243 buildings to the proposed space in the rear of the parcel.

244 The Applicant's proposed design satisfies ZR 5.6(D)(3) requirements.

245 (4) In all districts, the DRB may require provision for pedestrian trails/paths and
246 walkways along waterways or other natural features to connect with similar present
247 or anticipated trails/paths on adjacent properties for use by residents or occupants
248 of the development. In particular, such trails/paths shown in the Town Plan of
249 record and/or the Town of Essex and Village of Essex Junction Bicycle and
250 Pedestrian Plan shall be incorporated in site layout and design.

251 The applicant is proposing a trail along the Southern edge of the property
252 that will connect different areas of the property. There are also paths
253 throughout the proposed garden in the rear of the property.

254 (5) The DRB may require dedicated easements for future access roads, lanes, non-
255 motorized paths or trails for use by residents or occupants of the development.

256 No additional easements are proposed. The existing easements on the
257 property will remain the same.

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

259 The applicant is not proposing any changes to the existing parking.

260

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

262 The DRB shall consider and may impose requirements with regard to the adequacy of
263 landscaping, screening and setbacks to achieve maximum compatibility and protection of
264 adjacent properties, including size, variety, number and location of trees, front yard green
265 space, other buffer yards, and screening outside of storage areas or other unsightly areas
266 from public streets and/or adjoining properties.

267 *The Applicant's proposed design satisfies ZR 5.6(F) requirements. The proposal*
268 *maintains the buffer requirements of the Retail Business District (B1) found in Table*
269 *2.9(F5) of the Town of Essex Official Zoning Regulations:*

270 Buffers. Notwithstanding other applicable district dimensional requirements
271 under Subdivision (D), where new nonresidential structures or uses are on lots
272 adjoining residential zoning districts, buffer areas at least 30 feet in width shall
273 define side and rear yard setback areas along district boundaries unless waived
274 or modified by the Planning Commission (now DRB) in accordance with the
275 provisions of Section 3.2 (Buffers).

276 *Numerous landscaping enhancements are shown on Sheet 2 of the plans. Sectional*
277 *fencing (6-7' in height) around the proposed hot tub/sauna area on the Southern side*
278 *of the Spa will provide screening in addition to the 4-7' high berm on the Southern end*
279 *of the garden.*

280 In a memo dated December 30, 2025, Public Works offered the following comments:

281 *The site plans and other documentation for the proposed site improvements*
282 *and boundary line adjustment at 70 & 74 Essex Way have been reviewed by*
283 *the Public Works office and comments have been provided below. Public*
284 *Works recommends that all comments below be addressed by the applicant in*
285 *subsequent submissions and reserves the right to provide future comment on*
286 *all future submissions.*

287 1. *It appears tree plantings are proposed within the Town’s 30-foot sewer*
288 *easement. Tree plantings shall be outside of the Town’s sewer easement*
289 *(no exceptions).*

290 2. *Similarly, the proposed “berm” with the proposed plantings for screening*
291 *shall not be within the Town’s 30-foot sewer easement (no exceptions).*

292

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

294 The Zoning Regulations call for an exterior lighting plan that provides “site lighting and
295 lighting levels that are appropriate for the anticipated activities on the site and the
296 property’s surrounding context, and that maximize the efficiency of site lighting and energy
297 demand, while minimizing up-light glare, and unnecessary spillover light or light diffusion
298 onto adjacent properties.”

299 *The applicant is proposing accent and low ground lighting. There will be no lighting*
300 *on the proposed trail.*

301

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

303 **1. Water Supply and Sewage Disposal**

304 From applicant narrative, dated November 19, 2025:

305 *Water and sewer use will remain the same. An existing irrigation water line near*
306 *the existing tennis courts is proposed to be extended to one of the greenhouses.*

307 **2. Stormwater**

308 The proposal does not include any changes to existing stormwater plan. The removal
309 of the two tennis courts will provide a net reduction in impervious surface.

310 **3. Utilities**

311 No changes to utilities are proposed.

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

313 See comments from the Fire Department in lines 102-106 above.

314

315 **4. Additional Findings by the Development Review Board**

316 •

317

318 **PROPOSED CONDITIONS**

319 1. All construction shall be in conformance with the plans listed above as may be amended
320 herein.

321 2. A zoning permit application shall be submitted to the Zoning Administrator for review and
322 approval and shall be posted on the premises during the 15-day appeal period and during
323 construction.

324 3. All new water infrastructure shall be installed in accordance with Sections 514, 515, and
325 516 of the Town’s Standard Specifications for Construction and meet all AWWA
326 requirements. A representative of the Town of Essex Public Works shall witness the
327 installation, connection, and testing of all new water services.

328 4. An electronic copy of the plans as may have been revised shall be submitted to the E911
329 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or
330 shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively,
331 coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone
332 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing
333 three (3) values of State Plane Coordinates.

334 5. All utility lines shall be installed underground.

335 6. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the
336 Community Development Department prior to the issuance of a certificate of occupancy.

337 7. No occupancy of the structures shall occur until a certificate of occupancy inspection and
338 sign off is issued by the Zoning Administrator.

339 8. All landscaping (including existing vegetation shown on the plans) shall be guaranteed for
340 the life of the project. Any dead or diseased plantings shall be replaced as soon as
341 seasonally possible. There shall be no structures built within the 30 ft. buffer area.

342 9. Town of Essex Fire Impact Fees shall apply and shall be paid at the time of submittal of
343 the zoning permit.

344 10. Tree plantings shall be outside of the Town’s 30-foot sewer easement (no exceptions).

345 11. The proposed “berm” with the proposed plantings for screening shall not be within the
346 Town’s 30-foot sewer easement (no exceptions).

347 12. All conditions from previous approvals shall remain in effect except as modified by this
348 approval.

349 13. By accepting the conditions of this approval without appeal, the Applicant confirms and
350 agrees for itself and all assigns and successors in interest that the conditions of this approval

70 & 74 Essex Way
Site Plan Amendment
February 5, 2026

351 shall run with the land and the land uses herein permitted and will be binding upon and
352 enforceable against the Applicant and all assigns and successors in interest.

353

354 Staff Report submitted by Brittany McGregor, Planning Technician.

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