

TOWN OF ESSEX
PLANNING COMMISSION DRAFT MINUTES
MARCH 11, 2021

Note: This was a virtual meeting on Teams.

PLANNING COMMISSION (PC) PRESENT: Dustin Brusco, Chair; Josh Knox, Vice-Chair; John Mangan, Clerk; David Raphael; Jonathan Schumacher; Tom Furland; and Alternate John Alden.

SELECTBOARD PRESENT: Elaine Haney; Vince Franco; Patrick Murray; Dawn Fleury.

OTHERS PRESENT: Owiso Makuku, Community Development Director; Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; Deana Stoneback, Administrative Assistant; Dennis Lutz, Public Works Director; Evan Teich, Town Manager; Greg Duggan, Deputy Town Manager; Steve Shaw; Diane Clemons; Nick Martin; Tracey Delphia; Sharon Zukowski; Patty Davis; Barb Chapin; Bob Klinefelter; Deb Ehler Holland; Irene Wrenner; John Egan; Ken Signorello; Greg Lyon; Michael Hoey-Lukakis; Paul O’Leary; Paula Duke; Roseanne Prestipino; Lorraine Zaloom; Robin Pierce; Annie Cooper; Jean Ashe; Chris Kessler; Alexander LaRosa; Jeremy Matosky; Diana M. Wood; Tom Williams; Dan Petherbridge; Darby Mayville; and Community TV.

Chairman Brusco called the meeting to order at 6:33 p.m.; took a roll call of the Planning Commissioners present and read the Covid meeting instructions into the record. Brusco amended the Agenda by moving item 2 ‘Discussion with the Selectboard’ to number 4.

At 6:35 p.m., Selectboard Chair Haney called a Special Select Board meeting to order and called out additions to its Agenda.

AGENDA ITEM 1: PUBLIC COMMENTS: None.

AGENDA ITEM 2: SKETCH-PUBLIC HEARING: Negesse & Juanita Gutema: Proposal for a 4-unit, 5-lot Planned Unit Development-Residential (PUD-R) on a 37.8-acre parcel located at 137 Towers Road in the Agricultural-Residential (AR) & Low Density Residential (R1) zones. Tax Map 14, Parcel 39-11.

Darren Schibler reported on this application. He noted that the applicant is proposing to create a 5-lot Planned Unit Development (PUD) subdivision to accommodate 4 dwellings and an open space lot. He noted that there is a house on Lot 2 where the Gutemas reside. He stated that staff had extensive conversations about this application and the overall potential of the parcel, particularly a PUD proposal as the houses could be more clustered. He pointed out that the Scenic Resource Preservation Overlay District allows lots to be proposed that are not on the road frontage. He reported that the lot has split zones between Low Density Residential (R1) and Agricultural-Residential (AR), and that the PC can determine which zoning regulation to use for this application. The applicants have proposed 3 lots with frontage and 1 lot without frontage by taking advantage of reduced frontage allowed in the SRPO, with creative design. The driveway is proposed to be 20’ wide, then change to 15’ wide after the second dwelling. The concern is

48 that the driveway is too long and would have a larger impact than if the houses were better
49 clustered.

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51 Commissioner Furland asked if the driveway would be private. Schibler stated it is private and
52 might be shared with the town. Doug Goulette replied that there is potential for the driveway to
53 be shared.

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55 Doug Goulette, P.E., Lamoureux & Dickinson Consulting Engineers, made the following points
56 on clustering for a PUD and shared access. He stated that the AR zone requires 200' of frontage
57 per lot and this requirement was the drive to go forward with a PUD. He believed the proposal
58 was clustered enough to meet the goals of a PUD. He described the lot sizes of neighboring
59 houses and compared those lot sizes with the lot sizes of the proposed PUD. He pointed out that
60 the parcel also has a lot of wetlands, which accounts for the lot sizes as they need to
61 accommodate well and septic systems and isolation zones, noting that the likely hood of a mound
62 system is great. He referred to his February 5, 2021 letter to the PC and explained why a shared
63 drive is appropriate. He reported that the scenic overlay specifically allows up to 4 lots on one
64 drive, which is proposed with this application. He referred to Section 501.0 of the Public Works
65 Specifications and read, "*A residential driveway is not considered to be a public road. A single
66 driveway can serve a maximum of two single family dwelling units. Access ways to multifamily
67 units shall not be considered public roads when one of the following is true: 1) The length of a
68 non-looped access way is less than 300' or the length of a looped access way is less than 750'. 2)
69 Less than 20 units are served.*" He stated that Public Works is concerned that each dwelling unit
70 will be allowed an accessory dwelling unit (ADU) thereby creating additional lots on the private
71 driveway. Goulette stated that the applicant was agreeable to offer up a condition that prevents
72 the addition of ADUs. Goulette stated that if Public Works feels the driveway is not safe, then
73 the Public Works Specifications are poorly designed.

74

75 A lengthy discussion ensued regarding the issues between the Zoning Regulations and the Public
76 Works Specifications. Owiso Makuku stated that the PC should ask itself if the physical location
77 of the proposed structures meets the threshold of clustering and does not want that piece to get
78 lost on the number of houses on a driveway.

79

80 Goulette reported that he did a density analysis on this parcel and it supported 11 new houses.
81 He believes the landowner has submitted a modest proposal for this piece of land.

82

83 The PC determined to obtain a legal opinion on this issue on the driveway issue.

84

85 **Vice Chair Knox MOVED and Commissioner Schumacher SECONDED a motion to open**
86 **the Public Hearing. The MOTION passed 7-0.**

87

88 Sharon Zukowski stated that an ADU is a dwelling and believes an ADU can double the amount
89 of impact on the road.

90

91 Nancy Johnson stated that her lot abuts this parcel. She is concerned about the row of trees that
92 she was required to plant along her side of her property where the neighbor's driveway exists. If
93 they are required to widen the drive, she wants assurances that it will not kill her trees as they
94 have grown to be very large and the roots would be at risk. She also concerned because since the

95 neighbor put in their driveway, their driveway floods and she does not want a worse situation.
96 She stated that after a rain storm, you can't walk in the driveway. She asked what would happen
97 if asphalt was required to be put down on a new driveway. She was also concerned that the 1st
98 lot looks close to their property. She noted that when they first purchased their lot, 10 acres of
99 land was required. She does not want to feel like she now lives in a development.

100
101 Chairman Brusco asked the PC how they felt about the PUD proposal.

102
103 Commissioner Daly stated that he did not have a lot of issues with how the lots were laid out.

104
105 Commissioner Schumacher was not sure if it meets the PUD requirements.

106
107 Commissioner Furland liked the layout however, was concerned with Owiso's comments on
108 whether this meets the goals of a PUD as he would not want to make a precedent for people to
109 bend the rules.

110
111 Vice Chair Knox wants to know what the town attorney thinks as he does not recall when the PC
112 considered ADUs. He stated that every time a PUD application is submitted, the PC struggles
113 with the application.

114
115 Commissioner Mangan stated that he was no expert in PUDs. He appreciates what was said by
116 Goulette and if the application meets the spirit of the law, then questioned how the PC can say it
117 is wrong.

118
119 Commissioner Raphael is okay with the layout and has no issues with the density proposed. He
120 believes the proposal is fitting with the character of the neighborhood. He agrees with the need
121 for a legal opinion. He is good with the layout.

122
123 Chairman Brusco asked what it would mean if the PC does not accept PW's recommendation.
124 Schibler replied that we need the legal opinion. He reported that PW's suggested a looped road
125 as a fix.

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127 Chairman Brusco asked if the layout met the scenic overlay design. The PC agreed that the
128 regulations of a PUD and the regulations of SRPO create gray areas. Vice Chair Knox
129 questioned how to meet the objectives of the PUD and the SRPO. Commissioner Daly stated
130 that if this is treated as a PUD we may get more density on this lot. Commissioner Raphael
131 noted that clustering can mean locating homes in specific areas so long as the remaining areas
132 are preserved. He would like to see one driveway versus multiple driveways. Chairman Brusco
133 ditto's Raphael's comments.

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135 **Commissioner Furland MOVED and Commissioner Mangan SECONDED a MOTION to**
136 **Continue the Public Hearing to a dated determined by staff after receiving the legal**
137 **opinion. The MOTION passed 7-0.**

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139 **AGENDA ITEM 3: SITE PLAN AMENDMENT& BOUNDARY LINE ADJUSTMENT-**
140 **PUBLIC HEARING: Jeff & Dawn Lyon d/b/a Kana Associates, LLC: Proposed 8-unit**
141 **building addition to the existing 4-unit multi-family building; and dissolve boundary to**

142 **combine 2 lots into a 24.1-acre lot, located at 1 & 5 Kana Lane in the Center (CTR), High-**
143 **Density Residential (R3), & Business Design Control (B-DC) Overlay Districts. Tax Maps**
144 **57 & 10, Parcels 11 & 74.**

145

146 Darren Schibler, Planner, stated the application was a boundary adjustment to combine two lots
147 and to add 8 additional units to the existing 4-unit building. He noted the locations of the
148 abutters to this project. He showed on the plan where the addition would be located. He noted
149 that gravel would be added to the Class III wetlands to be used for parking. He described the
150 elevations, proposed materials used for the addition and reported that solar carports are proposed.
151 He noted that Line 185 of the Staff Report had a date change of February 5, 2021. He stated
152 that the Tree Warden found that the proposed street trees were not well suited due to salt
153 tolerance.

154

155 Paul O'Leary, P.E. and Mike Duggan, Architect spoke on this application. O'Leary stated the
156 application was straight forward; has no issues with the staff notes; is okay with the proposed
157 conditions; and is agreeable to the change of tree species. He noted that the applicant is not sure
158 about solar carports at this time due to economics.

159

160 Commissioner Daly asked if a charging station was proposed. O'Leary replied not at this time.

161

162 **Vice Chair Knox MOVED and Commissioner Daly SECONDED a motion to open the**
163 **Public Hearing. The MOTION passed 7-0.**

164

165 Lorraine Zaloom said the design looked great. She reported that she has water issues in her
166 basement and asked of the structure would have a basement. She noted the addition of gravel
167 and was concerned about impervious area. She applauded Lyon and wants to make sure all
168 boundaries are observed.

169

170 Mike Duggan replied no basement. O'Leary stated that they are adding under 1 acre of
171 impervious, but adding over ½, therefore a Town permit will be required. He described the
172 construction of the stormwater pond, noting that all water will be treating before going into the
173 ground.

174

175 Commissioner Furland asked if the applicant would install a conduit to the parking lot for a
176 future charging station. O'Leary said they would agree to this request.

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178 Chairman Brusco thanked O'Leary and the applicant for a clear and well documented application.

179

180 **Vice Chair Knox MOVED and Commissioner Daly SECONDED a motion to close the**
181 **Public Hearing. The MOTION passed 7-0.**

182

183 **Commissioner Furland MOVED and Commissioner Schumacher SECONDED a motion to**
184 **approve the application for 1 Kana Lane, subject to the Finding and Conditions of a Staff**
185 **Report dated 3/11/2021, including Friendly Amendments, and the following changes:**

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187 Finding 4, Line 185: Delete "MONTH 00, 000" and replace with "February 5, 2021"

188 Condition 24: Renumber to '26' and add new conditions #24 & 25 as follows:

189 #24: “The applicant shall consult with the Town Tree Warden to determine an acceptable
190 street tree species.”

191 #25: “The applicant shall install a conduit to accommodate a future charging station on
192 the premises.”

193

194 **The MOTION passed 7-0.**

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196 **AGENDA ITEM 4: SITE PLAN AMENDMENT-PUBLIC HEARING: Al Senecal, d/b/a**
197 **A&C Realty, LLC: Proposal for two additional 20,000SF facilities, and other site**
198 **improvements on a 57.8-acre lot located at 123 Old Colchester Road in the Industrial (I1)**
199 **& Agriculture-Residential (AR) zones. Tax Map 95, Parcel 1-1.**

200

201 Darren Schibler spoke on this application. He stated that staff has no objections to the proposal,
202 however Public Works provided its memo recently which required substantial changes to the
203 road. As there would not be time to amend the staff report, it was thought best to open and
204 continue the public hearing. Staff reported that as the application was already warned and
205 abutters notices sent out, it would save time and money to continue the application. Further, it
206 was possible that any of the abutters could be in attendance for the meeting.

207

208 Chairman Brusco noted that it was unusual that they did not receive the staff report. Darren
209 Schibler provided a brief overview of the project, which included:

210

- 211 • Two additional buildings and other site improvements are proposed;
- 212 • A traffic study was done in the spring/summer to get an idea of impact fees;
- 213 • Parking is adequate;
- 214 • Lighting is sufficient;
- 215 • The lot is now on public sewer as it was connected as a result of the Gardenside
216 development.

217

218 **Commissioner Schumacher MOVED and Vice Chair Knox SECONDED a motion to open**
219 **the Public Hearing. The MOTION passed 7-0.**

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221 **Commissioner Schumacher MOVED and Commissioner Mangan SECONDED a motion to**
222 **continue the application to the next meeting. The MOTION passed 7-0.**

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224 **AGENDA ITEM 5: MINUTES 2/25/21:**

225

226 **Commissioner Furland MOVED and Chairman Brusco SECONDED a MOTION to**
227 **approve the 2/25/21 minutes as written. The MOTION passed 7-0.**

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229 **AGENDA ITEMS 6: OTHER BUSINESS:**

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- 231 • Discussion of communications to the Planning Commission regarding PC
232 Agendas. Deana Stoneback clarified that the PC would continue to receive the
233 Agenda, along with the packet separate from a group email that goes out to the
234 community.

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- Sharon Kelley noted that she provided the PC with the Town Center color chart and a proposed picture of sign for a new business going into 1 Carmichael Street. She asked the PC if they wanted to see a formal application. The PC requested that the tenant submit an application for use of the color for more discussion.
- Owiso Makuku welcomed that Katie Ballard, Chair of the Housing Commission, was also in attendance. Makuku stated that the Housing Commission is looking into inclusionary zoning, pot and other related zoning items. She reported that the intention is to ask if any PC member would like to join a work group on inclusionary zoning, or if it was a good idea for the town and village to jump into this topic. The objective is to review the pros and cons of inclusionary zoning. She noted the Housing committees have not yet met on this topic. She asked if there are any PC members who want to work on the housing subcommittee.

Katie Ballard clarified that the Commission started 5 months ago and they are trying to figure out its priorities. Inclusionary zoning is a focus they wanted to explore. She explained that this is a research and gathering mission. She is open for communications and collaboration with the Planning Commission.

Chairman Brusco suggested it might be beneficial to have someone from the PC present when discussion inclusionary zoning. Commissioner Daly volunteered and asked Ballard to get him whatever information they have to date.

The Planning Commission meeting adjourned at 8:30 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Brusco, Chair