

TOWN OF ESSEX  
PLANNING COMMISSION  
DRAFT MINUTES  
APRIL 22, 2021

**Note: This was a virtual meeting on Teams.**

PLANNING COMMISSION (PC) PRESENT: Dustin Brusco, Chair; Josh Knox, Vice-Chair; David Raphael; Tom Furland; Ned Daly and John Alden, Alternate (arrived at 6:45 p.m.).

OTHERS PRESENT: Owiso Makuku, Community Development Director; Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; Deana Stoneback, Administrative Assistant; Peter Edelmann; Ron & Alice Siegriest; Christine & Brent Farnham; Steve Shaw; Ken Signorello; Paul O’Leary; Shawn Cunningham; and Maureen O’Day.

Chairman Brusco called the meeting to order at 6:33 p.m.; read the Covid meeting instructions into the record; called out the rescheduled application; and after a reminder from Commissioner Raphael, took a roll call of the Planning Commissioners present.

**AGENDA ITEM 1: PUBLIC COMMENTS:** None.

**AGENDA ITEM 2: SITE PLAN & MASTER PLAN AMENDMENT-PUBLIC HEARING: EUROWEST RETAIL PARTNERS, LTD: PROPOSAL TO EXPAND GREENSPACE TO ACCOMMODATE AN OUTDOOR STAGE LOCATED AT 21 ESSEX WAY IN THE MIXED-USE-PLANNED UNIT DEVELOPMENT (MXD-PUD) ZONE AND BUSINESS DESIGN CONTROL (B-DC) OVERLAY. TAX MAP 92 PARCEL 1.**

Darren Schibbler, Town Planner, provided an overview of the project application. He noted that the property, formerly known as Essex Outlets and Cinema, is now known as ‘The Essex Experience’. He described the abutting properties surrounding this parcel. He stated the request was to expand the green further to accommodate a larger outdoor gathering space. The expansion would require the removal of 17 parking spaces. He noted that several parking spaces behind Building 2 were never created as there has not been a need at this point. Staff has no objections to this and will require the spaces to be constructed when the demand presents itself. Schibler concluded by stating Staff supports this application.

Shawn Cunningham of O’Leary-Burke Civil Associates represented the applicant. He stated that they read the Staff Report, including conditions, and they are good with the proposal as written.

**Vice Chair Knox MOVED and Commissioner Raphael SECONDED a motion to open the Public Hearing. The MOTION passed 6-0.**

There were no public comments.

**Vice Chair Knox MOVED and Commissioner Furland SECONDED a motion to close the Public Hearing. The MOTION passed 6-0.**

49 Commissioner Raphael was in full support of the application, however noted that there is no  
50 condition about the stage/barn to be placed on the site.

51

52 Peter Edelmann, landowner, stated that the structure will be open on 3-sides, and 1 side closed.  
53 He stated that the project involves an Act 250 review, which has a noise requirement. He believe  
54 the proposal will help bring the center together and close the distance from building to building.  
55 He stated the structure is a great historic feature and he will provide the history of the barn to the  
56 public.

57

58 **Commissioner Mangan MOVED and Commissioner Raphael SECONDED a motion to**  
59 **approve the application for 21 Essex Way, as warned and subject to the Finding and**  
60 **Conditions of a Staff Report dated 4/22/2021, as follows:**

61

62 **The MOTION passed 6-0.**

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64 **AGENDA ITEM 3: SITE PLAN: SKETCH PLAN-PUBLIC HEARING: RON & ALICE**  
65 **SIEGRIEST: PROPOSAL TO SUBDIVIDE 2 EXISTING LOTS INTO 5 NEW LOTS**  
66 **LOCATED AT 226 & 236 RIVER ROAD IN THE MEDIUM DENSITY RESIDENTIAL**  
67 **(R2) ZONE, SCENIC RESOURCE OVERLAY (SRPO) & FLOODPLAIN OVERLAY**  
68 **(C2) DISTRICTS. TAX MAPS 33 & 4 PARCELS 1 & 10.**

69

70 Darren Schibler, Planner, called out the changes he made to the Staff Report since the time the  
71 Planning Commission received the document. The proposal was to subdivide two commonly  
72 owned lots, comprised of 8 total dwelling units, into five new lots. The purpose of the  
73 subdivision was to create a single lot for each residential structure. He noted the layout of the  
74 lots as follows:

75

76 Lot 1 (232 River Road), single-family structure with on-site water and municipal sewer;  
77 Lot 2 (184 River Road), single-family structure with town water and town sewer;  
78 Lot 3 (236 River Road), single-family structure with town water and town sewer;  
79 Lot 4 (228 River Road), duplex with town water and town sewer; and  
80 Lot 5 (226 River Road), triplex with town water and town sewer.

81

82 Schibler stated that all lots are proposed to meet the dimensional requirements needed to create  
83 the new lots. He stated the remaining 29-acres will remain as a flood plain with a cornfield.

84

85 He stated that Lot 4 will be required to connect to Town Water.

86 Schibler concluded that staff is support of the application.

87

88 David Tudhope spoke on behalf of the Siegriests. He stated they are fine with the Staff Report  
89 as written. He stated that they use rebar versus concrete as markers for the lots.

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91 **Vice-Chair Knox MOVED and Commissioner Mangan SECONDED a motion to open the**  
92 **Public Hearing. The MOTION passed 6-0.**

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94 Brent Farnham, 222 River Road, stated that he was disappointed that they did not see the  
95 proposed layout for the lots until this meeting. He felt that proposed Lot 5 would “come into

96

97 play” with his home and asked to see where the house was located. Schibler showed the plan on  
98 the screen and stated that the lot does wrap around the back of his house, but the house was not  
99 in that location.

100

101 Chairman Brusco noted that John Alden arrived at 6:45 p.m. and would sit in as alternate on the  
102 Commission.

103

104 **Vice-Chair Knox MOVED and Commissioner Daly SECONDED a motion to close the**  
105 **Public Hearing. The Motion passed 7-0.**

106

107 Commissioner Raphael stated that he supports the application however took issue with not  
108 finding documentation of approval for the duplex to become a triplex. He does not believe the  
109 PC can use the Bianchi rule as it only applies narrowly to marketability of title and does not  
110 preclude the municipality from requiring that proper permits be obtained before issuing  
111 additional approvals to the property.

112

113 Schibler noted that Condition 5 requires an after-the-fact permit prior to the recording of a mylar.

114

115 A brief discussion ensued with regarding the Bianchi law. Alice Siegries stated that they  
116 received approval for the second unit and another permit for the third unit. She said it was a long  
117 time ago, but they did what they were requested to do by staff at the time.

118

119 Commissioner Raphael reiterated that he wanted to be clear, he believes because the landowners  
120 are now asking for a subdivision approval, the believes the Planning Commission “gets a shot at  
121 bringing these lots into compliance.”

122

123 Chairman Brusco asked Raphael if he was good to allow the application to move to final review  
124 with staff working to clear up the matter prior to final submittal. Raphael agreed.

125

126 **Commissioner Raphael MOVED and Commissioner Furland SECONDED a motion to**  
127 **approve the 226 & 236 River Road application as warned and according to the Findings**  
128 **and Conditions of a Staff Report, including the following changes:**

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- 130 • **Accept the changes that Schibler called out;**
- 131 • **Remove Lines 103-110; and**
- 132 • **Research and/or obtain a legal opinion regarding the Bianchi issue.**

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

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136 **AGENDA ITEM 5: MINUTES 4/22/21:**

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138 **Commissioner Mangan MOVED and Commissioner Furland SECONDED a MOTION**  
139 **to approve the 4/22/21 minutes as written. The MOTION passed 7-0.**

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141 **AGENDA ITEMS 6: OTHER BUSINESS:**

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143 Sharon Kelley, Z.A., informed the Planning Commission of Di Minimis Public Utility  
144 Commission applications for property located at 50 Brigham Hill Road and 23 Corporate Drive.

145

146 Darren Schibler informed the Planning Commission of a Fair Housing Workshop scheduled for  
147 Wednesday, April 28, 2021.

148

149 Chairman Brusco asked staff for an update on the proposed amendment to the Zoning  
150 Regulations. Owiso Makuku stated that staff met recently, and Darren will be collecting some  
151 data so that we can go forward with the process. Brusco asked staff to consider putting a line item  
152 on the agenda next month for an update. He noted that past practice has been to put it on the  
153 second meeting of each month. He stated that he wants to make sure that staff and the Planning  
154 Commission is on the same page before too much work is done and not going in the direction  
155 that they would like to see. Owiso stated staff was not ready for updates. Brusco stated that a  
156 brief statement of where staff was at with the review process would be sufficient.

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158 The Planning Commission meeting adjourned at 7:22 p.m.

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PLANNING COMMISSION

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By: \_\_\_\_\_  
Dustin R. Brusco, Chair

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