

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 Ned Daly.

OTHERS PRESENT: Owiso Makuku, Community Development Director; Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; Deana Stoneback, Administrative Assistant; Paul O’Leary, P.E.; Mike Duggan; Doug Goulette, P.E., Negesse & Juanita Gutema; Jeff Lyon; Bryan Currier, P.E.; Al Senecal; Sharon Zukowski; Lorraine Zaloom; Nancy Johnson; and Community TV.

Chairman Brusco called the meeting to order at 6:33 p.m.; took a roll call of the Planning Commissioners present; read the Covid meeting instructions into the record; and noted the change to the 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 that the driveway is too long and would have a larger impact than if the houses were better clustered.

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

Doug Goulette, P.E., Lamoureux & Dickinson Consulting Engineers, made the following points on clustering for a PUD and shared access. He stated that the AR zone requires 200’ of frontage per lot and this requirement was the drive to go forward with a PUD. He believed the proposal was clustered enough to meet the goals of a PUD. He described the lot sizes of neighboring houses and compared those lot sizes with the lot sizes of the proposed PUD. He pointed out that

50 the parcel also has a lot of wetlands, which accounts for the lot sizes as they need to
51 accommodate well and septic systems and isolation zones, noting that the likely hood of a mound
52 system is great. He referred to his February 5, 2021 letter to the PC and explained why a shared
53 drive is appropriate. He reported that the scenic overlay specifically allows up to 4 lots on one
54 drive, which is proposed with this application. He referred to Section 501.0 of the Public Works
55 Specifications and read, “A residential driveway is not considered to be a public road. A single
56 driveway can serve a maximum of two single family dwelling units. Access ways to multifamily
57 units shall not be considered public roads when one of the following is true: 1) The length of a
58 non-looped access way is less than 300’ or the length of a looped access way is less than 750’. 2)
59 Less than 20 units are served.” He stated that Public Works is concerned that each dwelling unit
60 will be allowed an accessory dwelling unit (ADU) thereby creating additional lots on the private
61 driveway. Goulette stated that the applicant was agreeable to offer up a condition that prevents
62 the addition of ADUs. Goulette stated that if Public Works feels the driveway is not safe, then
63 the Public Works Specifications are poorly designed.

64
65 A lengthy discussion ensued regarding the issues between the Zoning Regulations and the Public
66 Works Specifications. Owiso Makuku stated that the PC should ask itself if the physical location
67 of the proposed structures meets the threshold of clustering and does not want that piece to get
68 lost on the number of houses on a driveway.

69
70 Goulette reported that he did a density analysis on this parcel and it supported 11 new houses.
71 He believes the landowner has submitted a modest proposal for this piece of land.

72
73 The PC determined to obtain a legal opinion on this issue on the driveway issue.

74
75 **Vice Chair Knox MOVED and Commissioner Schumacher SECONDED a motion to open**
76 **the Public Hearing. The MOTION passed 7-0.**

77
78 Sharon Zukowski stated that an ADU is a dwelling and believes an ADU can double the amount
79 of impact on the road.

80
81 Nancy Johnson stated that her lot abuts this parcel. She is concerned about the row of trees that
82 she was required to plant along her side of her property where the neighbor’s driveway exists. If
83 they are required to widen the drive, she wants assurances that it will not kill her trees as they
84 have grown to be very large and the roots would be at risk. She also concerned because since the
85 neighbor put in their driveway, their driveway floods and she does not want a worse situation.
86 She stated that after a rain storm, you can’t walk in the driveway. She asked what would happen
87 if asphalt was required to be put down on a new driveway. She was also concerned that the 1st
88 lot looks close to their property. She noted that when they first purchased their lot, 10 acres of
89 land was required. She does not want to feel like she now lives in a development.

90
91 Chairman Brusco asked the PC how they felt about the PUD proposal.

92
93 Commissioner Daly stated that he did not have a lot of issues with how the lots were laid out.

94
95 Commissioner Schumacher was not sure if it meets the PUD requirements.

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

100

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

104

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

108

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

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

116

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

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

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129 **AGENDA ITEM 3: SITE PLAN AMENDMENT & BOUNDARY LINE ADJUSTMENT-**
130 **PUBLIC HEARING: Jeff & Dawn Lyon d/b/a Kana Associates, LLC: Proposed 8-unit**
131 **building addition to the existing 4-unit multi-family building; and dissolve boundary to**
132 **combine 2 lots into a 24.1-acre lot, located at 1 & 5 Kana Lane in the Center (CTR), High-**
133 **Density Residential (R3), & Business Design Control (B-DC) Overlay Districts. Tax Maps**
134 **57 & 10, Parcels 11 & 74.**

135

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

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

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

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

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

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

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

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

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

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

- Finding 4, Line 185: Delete “MONTH 00, 000” and replace with “February 5, 2021”
- Condition 24: Renumber to ‘26’ and add new conditions #24 & 25 as follows:
 - #24: “The applicant shall consult with the Town Tree Warden to determine an acceptable street tree species.”
 - #25: “The applicant shall install a conduit to accommodate a future charging station on the premises.”

The MOTION passed 7-0.

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

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

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

- 200
- 201 • Two additional buildings and other site improvements are proposed;
 - 202 • A traffic study was done in the spring/summer to get an idea of impact fees;
 - 203 • Parking is adequate;
 - 204 • Lighting is sufficient;
 - 205 • The lot is now on public sewer as it was connected as a result of the Gardenside
206 development.
- 207

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

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

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

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

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219 **AGENDA ITEMS 6: OTHER BUSINESS:**

- 220
- 221 • Discussion of communications to the Planning Commission regarding PC
222 Agendas. Deana Stoneback clarified that the PC would continue to receive the
223 Agenda, along with the packet separate from a group email that goes out to the
224 community.
 - 225
226 • Sharon Kelley noted that she provided the PC with the Town Center color chart
227 and a proposed picture of sign for a new business going into 1 Carmichael Street.
228 She asked the PC if they wanted to see a formal application. The PC requested
229 that the tenant submit an application for use of the color for more discussion.
 - 230
231 • Owiso Makuku welcomed that Katie Ballard, Chair of the Housing Commission,
232 was also in attendance. Makuku stated that the Housing Commission is looking
233 into inclusionary zoning, pot and other related zoning items. She reported that the
234 intention is to ask if any PC member would like to join a work group on
235 inclusionary zoning, or if it was a good idea for the town and village to jump into
236 this topic. The objective is to review the pros and cons of inclusionary zoning.

237 She noted the Housing committees have not yet met on this topic. She asked if
238 there are any PC members who want to work on the housing subcommittee.

239
240 Katie Ballard clarified that the Commission started 5 months ago and they are
241 trying to figure out its priorities. Inclusionary zoning is a focus they wanted to
242 explore. She explained that this is a research and gathering mission. She is open
243 for communications and collaboration with the Planning Commission.

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

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

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251 PLANNING COMMISSION

252
253 By: _____
254 Dustin R. Brusco, Chair

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