

**Archived Documents for
Essex Planning Board Public Forum and Meeting
March 7, 2024**

PDF includes posted agenda and meeting minutes for the Public Meeting.

The minutes for this Public Forum and Public Meeting were approved March 7, 2024.

A hard copy is available for viewing in the Planning Board office.

TOWN OF ESSEX PLANNING BOARD AGENDA — THURSDAY, MARCH 7, 2024

**The Public Meeting of the Planning Board will be held at the
Essex Town Hall, 3rd Floor Auditorium, 30 Martin Street at 7:00 pm**

Remote access will be available through the following Zoom link:

<https://us06web.zoom.us/j/84928884797>

Meeting ID: 849 2888 4797

One tap mobile

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+13092053325,,84928884797# US

Please note that while an option for remote attendance is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or its quality, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person versus virtual attendance accordingly.

BUILDING INSPECTOR'S REPORT: no report

BOARD REVIEW:

- 241 John Wise Avenue – Food Establishment Plan Review

BOARD DISCUSSION:

- 148 Main Street, 7:00 to 7:30pm
 - Potential purchasers of this property will be in to discuss their plans with the Board and to get informal and initial feedback from the Board, since they will likely propose a change of use and a new or substantially new building, noting that 4 or more residential units in a Mixed-Use building requires a Special Permit in the Downtown District.
- MAPC Bylaw Update
 - Review of February 28, 2024 public forum
- Bylaw Update Articles for Annual Town Meeting, May 6, 2024
 - Special Permit general guidance language
 - New Special Permit categories (or updates to existing categories)
 - Permitted uses – expanding/detailing use categories and definitions

BOARD MEMBERS' COMMITTEE UPDATES:

- Community Preservation Committee – Peter Levasseur
- Strategic Planning Committee Update – Peter Levasseur
- Affordable Housing Trust - Shelly Bradbury

BOARD REVIEW OF MEETING MINUTES:

- Minutes of February 28, 2024
- Review of additional prior meeting minutes

MEETING TO ADJOURN

The Agenda Items listed are those items which were reasonably anticipated by the Chair to be discussed at the meeting. Not all items may be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

The next regular meeting of the Town of Essex Planning Board will be held at 7pm on March 20, 2024 at the Essex Town Hall 2nd Floor Conference Room, 30 Martin Street, Essex, MA 01929.

Town of Essex Planning Board Meeting Minutes – March 7, 2024

The regular Public Meeting was held in the Town Hall 3rd Floor Auditorium. The meeting was called to order by Chair, Lisa O'Donnell at 7:04 PM. Public access for listening and/or observing was available through Zoom.

ATTENDANCE:

In-person Board members: Shelly Bradbury, Simone Early, Peter Levasseur, Lisa O'Donnell

Absent Board members: Matt Greco, Jud Lane

Administrative Assistant: Theresa Whitman

Remote Town officials and Board guests: Valerie Massard, Town Planner

In-person Town officials and Board guests: Ruth Pereen, Selectman Chair; Peter Alfe and Michelle Mineo regarding 148 Main Street

BOARD REVIEW: 241 John Wise Avenue – Food Establishment Plan Review. The Planning Board received notification through the OpenGov system that approval was needed for the Food Establishment Plan for Down River Ice Cream, the business at 241 John Wise Avenue. Lisa O'Donnell explained that Theresa had reached out to the Board of Health and learned that this happened because businesses that change ownership are treated as new businesses within the permitting system. There is nothing building-related in this particular plan, so it simply needs to be approved within the system. No concern was raised, and Theresa will update the approval through OpenGov.

BOARD REVIEW OF MEETING MINUTES: Minutes of the February 28, 2024 Public Forum and Meeting were provided for review in advance and at the meeting. A motion to approve was made by Peter Levasseur and seconded by Simone Early. The motion was approved by affirmative votes from Lisa, Peter, Simone, and Shelly, with Jay Tetzloff abstaining, as he was not in attendance that meeting.

BOARD DISCUSSION:

- **148 Main Street** – Peter Alfe came before the Board at approx. 7:10pm for informal and initial feedback regarding plans for 148 Main Street, which include a Change of Use from Hotel/Motel to Mixed Use with eight residential units and additional commercial space. Lisa provided the Board an overview of the communication that had already taken place and noted the Planning Board's role in this process as Special Permit Granting Authority because the proposed project will be mixed use with four or more residential units. She also clarified that the issue of interpreting the correct setback requirements rests with Building Inspector Bill Sanborn and is not within the Board's purview, and that relief from that requirement could only come through the Zoning Board of Appeals. Peter A. explained his plan to site the building further back on the property to avoid the setback issue and shared that he had contacted Conservation Agent Michelle Grenier to discuss this.

The plans were reviewed by Board members, and Peter A. requested that Board members offer design input and ideas. Shelly Bradbury commented that she did not feel comfortable offering design input, and Lisa noted that it would be inappropriate of the Board to do so, as the Board's role is to consider plans that are brought forth fully-developed. Multiple Board members noted that the sewer capacity might be an obstacle, and also encouraged Peter A. to consider seeking relief from the ZBA regarding front setback requirements rather than asking the Conservation Commission to allow encroachment into the 100' buffer zone, as the project could then keep in character with other properties on the street. Lisa shared next steps for the project, noting that addressing the setback and sewer capacity issues should be a priority. The conversation closed at 7:40pm.

- **Review of the Public Forum held with MAPC on February 28, 2024** – The Board expressed displeasure with how MAPC planned and executed the Public Forum. Lisa reported that she had contacted Town Administrator Brendhan Zubricki and learned that there are 30 hours left on the MAPC contract, minus the time it will take for MAPC to create a project synopsis. Simone expressed a desire to review and consider the hours billed in relation to the output received. Lisa responded that she is in support of doing so but not until the time-sensitive items for Annual Town Meeting are finished, and noted that with new Town Planner Valerie Massard on board, it the most efficient course will be to move forward without additional MAPC assistance.

In order to get the community input that should have come through the Public Forum, Lisa explained that Theresa had created a short community survey. The Board reviewed the survey and offered feedback. Theresa will incorporate the feedback and the survey will be posted as soon as possible, and will close on Friday, March 15, 2024.

- **Bylaw update articles for Annual Town Meeting, May 6, 2024** – Lisa reviewed the current plan for Town Meeting articles and provided a draft of revisions to Section 6-4: Use Regulations. The Board discussed the proposed revisions with the intent to focus on this Section rather than 6-10 for the upcoming Annual Town Meeting, as the bylaws contained in Section 6-4 provide a base level of protections and are more critical for enforceability.
 - **Permitted Uses** – Lisa noted that Section 6-4.1: Permitted Uses requires more detail, which will be helpful when creating zoning districts. This section will eventually hold the Use Table, but for now, additional context will be beneficial and can be drawn from the draft Use Table she has prepared. Valerie noted that there is standard language to describe prohibited uses and that she will share it for consideration.
 - **Special Permit general guidance language** – The Board reviewed the proposed addition of Decision and Evaluation Criteria (section title and number to be determined, but to be included in Section 6-4.3: Uses Requiring Special Permit), and Lisa explained that the list is a compilation of criteria to be considered from other local communities (Ipswich, Manchester, Wenham, Hamilton, Beverly, and

Gloucester). Shelly noted that she likes the format and that she believes it will give residents confidence in the decisions made by the Planning Board.

- **New Special Permit categories (or updates to existing categories)** – Lisa explained that survey responses will help determine which categories the community feels are most important to include, and that for now, it is enough to include a list rather than expanding with additional criteria. Simone noted the value of including that if a use is not listed as permitted by right or with a Special Permit, it is not permitted at all.

Lisa will continue to work on the articles and will send drafts to the Board and to Brendhan for review by Town Counsel as soon as possible. Given the deadlines for Annual Town Meeting, the Board will need to vote at the March 20, 2024 meeting on articles to put forth.

BOARD MEMBERS' COMMITTEE UPDATES:

- **Community Preservation Committee** – no report
- **Strategic Planning Committee Update** – no report
- **Affordable Housing Trust - Shelly Bradbury** – Next meeting is scheduled for April 25, 2024. The group is using the Community One Stop for Growth grant portal to seek state funding. They are also making a request for \$100,000 of Community Preservation funds to go into the Affordable Housing Trust.

ADJOURN:

A motion to adjourn was made by Jay Tetzloff, seconded by Shelly Bradbury, and approved by all members present. The meeting adjourned at 8:44pm.

Reference Documents: none