

**Archived Documents for
Essex Planning Board Public Meeting
January 17, 2024**

PDF includes posted agenda, meeting minutes, and reference materials.

The minutes for this meeting were approved February 7, 2024.

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

TOWN OF ESSEX PLANNING BOARD AGENDA — WEDNESDAY, JANUARY 17, 2024

**The Public Meeting of the Planning Board will be held at the Essex Town Hall,
2nd Floor Conference Room, 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

+13052241968,,84928884797# US

+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 items

BOARD REVIEW:

- Rules and Regulation Regarding Consultant Fees – revote
- Student presentation on affordable housing

BOARD DISCUSSION:

- MAPC Bylaw Update
 - o Update from MAPC check-in meeting (scheduled Thursday, January 11, 2024)
 - o Special Permit categories and general guidance language
 - o Possible district categories and allowable uses

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 January 3, 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 February 7, 2024 at the Essex Town Hall 2ND Floor Meeting Room, 30 Martin Street, Essex, MA 01929.

TOWN OF ESSEX PLANNING BOARD MEETING MINUTES — WEDNESDAY, JANUARY 17, 2024

The regular Public Meeting was held at the Town Hall 2nd floor meeting room.
The meeting was called to order by Chair Lisa O'Donnell at 7:01pm.
Public access for listening and/or observing was available through Zoom.

BOARD ATTENDANCE

In-person: Shelly Bradbury, Simone Early, Jud Lane, Peter Levasseur, Lisa O'Donnell

Remote: Jay Tetzloff

Absent: Matt Greco

Administrative Assistant: Theresa Whitman

In-person public attendance: Bill Sanborn, Building Inspector; Libby M., student

Remote public attendance: Ruth Pereen, Chair, Board of Selectmen

BOARD REVIEW OF MEETING MINUTES: Minutes from the January 3, 2023 were provided for review. A motion to approve was made by Shelly Bradbury and seconded by Jud Lane. The minutes were approved unanimously by roll call vote.

BOARD REVIEW: "Rules and Regulation Regarding Consultant Fees" for revote - Chair Lisa O'Donnell shared that she recently learned that additions or alterations to Planning Board Rules and Regulations must be filed with the Town Clerk within ten days of Board approval. The Board approved "Rules and Regulation Regarding Consultant Fees" on May 17, 2023 but it was not filed with the Town Clerk, so a new vote needed to be taken. The document was provided for review in advance and during the meeting. Simone Early moved to adopt "Rules and Regulation Regarding Consultant Fees" as written, the motion was seconded by Shelly Bradbury, and the regulation was approved unanimously by roll call vote.

BOARD DISCUSSION: Metropolitan Area Planning Council (MAPC) Bylaw Update

- **Update from MAPC check-in meeting** - Lisa reported that she and Simone Early met with MAPC representatives for a check-in on January 11, 2024. Draft bylaw language for Special Permit regulations was provided, and participants discussed how results from the mapping exercise may be used. It was noted that MAPC will compile the data into a spreadsheet after access closes on February 9, 2024. The next check-in is scheduled for January 18, 2024, and Lisa and Simone will both participate.
- **Special Permit categories and general guidance language** – The draft Special Permit regulation language for the bylaw provided by MAPC was provided in advance and during the meeting. Lisa explained that MAPC took the information from "Special Permit Issuance Rules" in the Planning Board Rules and Regulations and incorporated it into the proposed bylaw format, along with other suggestions. Lisa asked Board members for input regarding what information belongs in each of three categories: "Uses Requiring Special Permit" (currently bylaw section 6-4.3), "Special Permit Regulations" (currently bylaw section 6-10.6), and the Planning Board Rules and Regulations not in the bylaws,

noting that substantive material belongs in the bylaw sections but procedural information could be more easily adjusted within Planning Board Rules and Regulations. Shelly Bradbury noted that items requiring enforcement should be included in the bylaws, as bylaws carry more legal weight than Planning Board Rules and Regulations. The Board discussed prioritizing the work ahead in preparation for the January 2025 expiration of the Temporary Moratorium on Business and Industrial Conversions and discussed whether to focus on section 6-4.3 (Uses Requiring Special Permit) rather than the regulations in section 6-10.6 at this time. Building Inspector Bill Sanborn noted that town bylaws and city ordinances commonly incorporate the Special Permit regulations from MGL 40A so an applicant has all the requirements available in one place. The Board discussed looking at other towns' bylaws for examples of how MGL 40A regulations are presented. The Board discussed specific items for clarification, including the process for resubmission of an application after a Special Permit denial. Lisa asked Board members to continue considering the initial question about where different information belongs and to send input to her between meetings.

- **Possible district categories and allowable uses** – Lisa asked Board members for input on the idea of defining “business” in a more detailed way to allow the Board to define what kinds of business activity may be allowable within each of the proposed residential place types, if any. During discussion, it was noted that it would be helpful to use more descriptive names for the place types, and the Board agreed that for now, Neighborhood 1 will be called “Rural Residential,” Neighborhood 2 will be called “Suburban Residential,” and Neighborhood 3 will be called “Village Residential.” Members were invited to send Lisa additional input between meetings and were made aware that she has requested specific maps from CAI Axis-GIS (who produces the Town maps) for use during this process. She also pointed out the new bylaw landing page on the Town of Essex website, created to help residents find the newly adopted bylaw changes from the Fall Town Meeting while the Town awaits official approval from the Attorney General, which is expected in March.

BOARD MEMBERS' COMMITTEE UPDATES:

- **Community Preservation Committee** – no update
- **Strategic Planning Committee Update** – no update
- **Affordable Housing Trust - Shelly Bradbury** – will meet January 25, 2024

BOARD REVIEW: Student presentation on affordable housing – The Board reviewed the slide presentation provided by MERHS students as part of their Civic Engagement course requirement. It was noted that with only 2.7% of the Town's affordable housing requirement met, this is an important topic. The Board discussed the discrepancy between housing that may be affordable and housing that is classified as affordable by deed. Board members noted that the survey participants were students and were curious about the depth of understanding youth in general have on such a complex topic. Board members appreciated the students' efforts and the interest in this topic.

MEETING TO ADJOURN: A motion to adjourn was made by Simone Early, seconded by Shelly Bradbury, and the roll call vote to approve was unanimous. The meeting adjourned at 8:59pm.

Reference Documents Included: “Rules and Regulation Regarding Consultant Fees” (adopted January 17, 2024)

TOWN OF ESSEX PLANNING BOARD
RULES AND REGULATION REGARDING CONSULTANT FEES

Adopted by vote on May 17, 2023
Revoted on January 17, 2024 for official posting

The following Regulation is adopted, pursuant to G.L. c.44, §53G ½.

When reviewing an application for, or when conducting inspections in relation to, any decision, special permit, site plan review, or other matter within its jurisdiction, the Planning Board ("Board") may determine by a two-thirds vote that the assistance of outside consultants is warranted due, for instance and without limitation, to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the matter before the Board. The Board may require that an Applicant deposit a lump sum of funds in order to retain such consultants.

1. **Hiring a Consultant** - In hiring outside consultants, the Board may engage engineers, scientists, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, standards and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
2. **Fee Payment and Expenditures** - Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special account for this purpose, consistent with the terms and provisions of G.L. c. 44, §53G ½. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. In the event that such sum is insufficient to fund the necessary consulting services, the Board may require additional deposits.
3. **Failure to Pay Fee**- Failure of an applicant to pay a review fee shall be grounds for denial of the application. Alternatively, approval of such application may be conditioned upon payment of any outstanding review fees.
4. **Excess Fees** - At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest upon request. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

5. **Administrative Appeals** - Any applicant may make an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Board has mailed or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to:

- a) claims that the consultant selected has a conflict of interest or
- b) does not possess the minimum required qualifications.

The minimum qualifications of the consultant shall consist either of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within thirty days following the filing of the appeal, the selection made by the Board shall stand.