

Agenda -January 6, 2010 – Town of Essex Planning Board

- 7:30 Building Inspector's Report *or Regular Business*
- 8:00 ANR – 8 Lufkin Street; Jane Walsh/Mark & Theresa Whitman & 12 Lufkin Street; Ronald & Joyce Preen *or Regular Business*
- 8:15 Board Discussion –Town Meeting 2010

Regular Business

Correspondence
Payroll
Meeting Minutes
Invoices
Community Preservation Committee
Building Committee Update
Conomo Point Committee
Long Range Planning Committee Update
Updates from the Chair

Meeting to Adjourn

Next regular Planning Board Meeting will be on January 20, 2010 at the T.O.H.P. Burnham Library

Meeting Minutes – Public Meeting
Town of Essex Planning Board February 17, 2010

The meeting was called to order at 7:34 p.m. by Co-Chair, Kimberly Drake and was held at the Essex Fire Station Meeting Room.

Attendees: Juergen Dietrichson, Bill Holton, Westley Burnham, Bill Holton, Kimberly Drake, Jason Heath

Absent: Scottie Robinson, Andrew St. John

Planning Board Secretary: Mary-Ellen Feeder

Building Inspector's Report

There were no building permit applications to present to the planning Board.

Planning Board Meeting

Kim Drake introduced to the public Carolyn Britt, Planning Consultant who worked with the Board to draft the articles for the warrant for the reformatting of Chapter VI of the Bylaws and Definitions, Nick Cracknel, Planning Consultant, who worked with the Conoco Point Committee and Selectmen Ray Randal.

Essex Park Drive Continuation of Public Hearing

KD: I make a motion to open the public hearing for the Definitive Subdivision Plan Application for TBD Essex Park Drive.

JD: I second the motion.

Motion approved unanimously.

The Board reviewed the letter sent to the Board dated February 16, 2010 sent by Attorney Orestes Brown.

WB: I make a motion to continue the public hearing for the Definitive Subdivision Plan Application for TBD Essex Park Drive, Apple Street Nominee Trust, which was submitted to the Board on December 3, 2008 to June 2, 2010.

JH: I second the motion.

Motion approved unanimously.

Public Hearing for the Proposed Warrant Articles for Town Meeting

Reformatting – Proposed Warrant Articles

Westley Burnham presented the warrant article regarding the reformatting of Chapter VI, Zoning of the Town of Essex Bylaws.

Bruce Fortier, 186 Southern Avenue asked two questions regarding the proposed article.

Maria Burnham, Southern Avenue asked if the numbering system was the same. Wes Burnham answered that the numbering was not the same as the previous zoning bylaw and the content was exactly the same as the previous zoning bylaw.

Bruce Fortier, 186 Southern Avenue, brought the proposed charts within the draft of the proposed article. His input was that he did not care for the introduction of charts/tables.

Juergen Dietrichson presented the second proposed article XX.

Bruce Fortier, 186 Southern Avenue said that it is a clear definition. He further said, 'but to be sure, would a non-profit entity that is not transacting a trade or commercial enterprise would not be considered a business (such as a church).

Kim Drake answered that non-profit entities have special privileges but that they were not exempt from dimensional zoning regulations.

Bruce Fortier questioned why the Board was including a non-profit into a business definition.

Westley Burnham said that the Board has had a lot of discussion regarding the sub categories that Bruce Fortier mentioned but that the Board needs to introduce a foundation to build the sub-categories from.

Carolyn Britt, Planning Consultant for the Planning Board, commented that the intent was to introduce uses.

Westley Burnham said that this was not adding a section.

Bruce Fortier said it was 'jamming something into a section' and suggested that a definition for non-profit entity be introduced separately.

There were no further comments from the public or the Planning Board.

Definitions – Proposed Warrant Articles

Juergen Dietrichson presented Article XXX and read the existing definitions and the proposed definitions; 'Dwelling, multi-family; dwelling', 'Single-family; dwelling', 'Two-family, dwelling unit' and then he read the existing bylaw definition of the word family and stated the Board was proposing to delete the existing definition.

One citizen asked for Juergen Dietrichson to read the definition for dwelling, single family, which he did.

Bruce Fortier suggested the deletion of the definition for the word family not redefining the definition.

There were no further comments from the public. There were no comments from the Board.

Juergen Dietrichson presented Article XXXX which first discusses the rearrangement of the title for the existing definition to be rearranged from 'Accessory Use' to 'Use, Accessory' so that it conform with the titles of other use definitions and read the proposed definitions for 'Use, Change of', 'Use, Mixed', 'Use, Principal'.

Bruce Fortier initiated a discussion regarding what constitutes a change of use. Westley Burnham stated the goal is to build a solid threshold to build upon.

Ed Perkins, 66 Story Street, Board of Appeals, stated that in law if it is a business it is a business, if it is a home, it is a home, if it is

Maria Burnham stated that there was a spelling error and Kim Drake said she had noticed that as well and that it would be taken care of prior to the Town Meeting.

Southern Conomo Point Zoning District – Proposed Warrant Article

Selectmen Ray Randal read a statement to the public supporting the proposed warrant article.

Kim Drake presented the proposed warrant article for the proposed Southern Conomo Point Zoning District.

Kim Drake read comments from the public.

John Pratt, 40 Robins Road, strongly suggested that the comments made by Ed Neal (read by Kim Drake) be considered into the article.

Bruce Fortier, 186 Southern Avenue, disagreed with John Pratt and stated that a purpose statement (as suggested by Ed Neal) was 'useless, ignorant, prattle, that is only filling up space' and strike it or reduce it to a short statement. He said that there was already a purposes statement in the existing bylaws.

Charles Burnham, 37 Southern Avenue, he said that he thought the idea Ed Neal had which stated the current proposed term Cottage Sub-District be changed to Seasonal Cottage District.

Kim Drake stated the Planning Board would not be involved with the question as to who is allowed to stay in a house but that the Board is introducing a Zoning Bylaw and that it would be the role of the Selectmen as the Conomo Point Commissioners to make that decision.

Ed Perkins, 66 Story Street said that it is something that should be addressed at this time because the Planning Board is stating who can stay or go because there is the term Seasonal Cottage and he stated that a variance could not be given as the proposed bylaw is written.

Ray Randal stated the Selectmen are formulating a policy but that there is not a set date when it will be presented.

Bruce Fortier agreed with Ed Perkins that if the Board moves forward the proposed bylaw as it is then the Board of Appeals will not be able to grant a use variance, the Board of Appeals would only be able to grant dimensional variances.

Nick Cracknel, Planning Consultant stated that it was his impressions from talking to land use attorneys and from his professional experiences that the people that currently reside in non-year round homes they could not be granted a use variance but that the 16 structures that are existing as year round dwellings will not be affected due to the fact that they have existed as year round homes prior to the presentation of this warrant article.

Bruce Fortier stated that the existing year round residents were told to terminate their use in 2011. He also said that the current use is as one big lot owned by the Town and rented to residents.

Nick Cracknel brought forward the thought that Zoning Bylaws are 'blind to ownership' and unless there is something have something in bylaws that contradicts this point then it isn't going to have an impact

Westley Burnham said that this question should be addressed now because otherwise it would be up to the Building Inspector to be the one to enforce this concern of which house is seasonal and which is not.

Kim Drake mentioned that in 2011 when the leases expire there will not be a way to determine who stays and who doesn't.

Ed Perkins strongly suggested that the Selectmen and the Town Counsel discuss the policy and submit it to the Town prior to the Town Meeting or that the proposed bylaw would be a waste of time and money.

Selectmen Ray Randal stated that the Board of Selectmen will be prepared at Town Meeting to address the questions of policy.

Westley Burnham said that the Planning Board is not taking the ownership for the proposed Bylaw Article. The Board reviewed the proposed warrant article to see if it technically supports what was mandated for the Town to do a few years ago not whether the Board agreed with the content.

Kim Drake read for the record the suggestions for edits made by Nick Cracknel.

Westley Burnham made a motion to continue the public hearing until February 24, 2010 at 7:30 p.m. at the Essex Elementary School.

A motion was made and was seconded to adjourn the meeting at 10 p.m. The next public meeting is scheduled for February 24, 2010 at 7:30 p.m. at the Essex Elementary School

Presented by:

Mary-Ellen Feener, Secretary

Westley Burnham, Clerk

Meeting Minutes – Public Meeting
Town of Essex Planning Board February 24, 2010

The meeting was called to order at 7:39 p.m. by Co-Chair, Kimberly Drake and was held at the Essex Elementary School.

Attendees: Juergen Dietrichson, Westley Burnham, Bill Holton, Kimberly Drake, Jason Heath, Andrew St. John

Absentees: Scottie Robinson, Bill Holton

Planning Board Secretary: Mary-Ellen Feener

Planning Board Meeting

Kim read the Preamble prior to a Public Hearing and reminded all attendees to please clearly state their name and address prior to speaking.

At the beginning of the meeting Chair Kim Drake explained that suggestions have been submitted to the Planning Board by citizens, Town Counsel Kopleman and Paige, P.C., Open Space Committee and the Conomo Point Committee.

The drafts of the items were put at Town Hall on February 4, 2010 and only one member of the public had viewed this version of the draft documents prior to February 10, 2010. As of February 10, 2010 that citizen was notified of the changed version and he was given a copy of the new draft.

Public Hearing for the Proposed Warrant Articles for Town Meeting

Reformatting – Proposed Warrant Articles

Westley Burnham presented the warrant article regarding the reformatting of Chapter VI, Zoning of the Town of Essex Bylaws.

Bruce Fortier, 186 Southern Avenue suggested that a Table of Contents should be used as an administrative tool. Table of Contents and footnotes should not be included into a bylaw because they are not parts of laws.

There were no further comments from the Board or the public.

Juergen Dietrichson read the proposed articles XX and Article XXX. He read the existing definitions and the proposed definitions; ‘Dwelling, multi-family; dwelling’, ‘Single-family; dwelling’, ‘Two-family, dwelling unit’. He then read the existing bylaw definition of the word family and stated the Board was proposing to delete the existing definition.

Andrew St. John asked if there was any discussion regarding the Town Counsel suggestion regarding the deletion of the definition of the term, Family.

Kim Drake responded that the Board did read for the record Town Counsel's suggestions and stated that the Board at the last meeting decided that they would rather have the term deleted vs. re-writing the definition.

Juergen Dietrichson presented Article XXXX which first discusses the rearrangement of the title for the existing definition to be rearranged from 'Accessory Use' to 'Use, Accessory' so that it conform with the titles of other use definitions and read the proposed definitions for 'Use, Change of', 'Use, Mixed', 'Use, Principal'.

Ed Neal, 15 Western Avenue stated that he was very in favor with the definition for Change of Use.

No further comments from the public or the Board.

Southern Conomo Point Zoning District – Proposed Warrant Article

Selectmen Ray Randal read a statement to the public that is supported by the Conomo Point Commissioners i.e. the Town of Essex Selectmen written by Town Counsel, Kopelman and Paige, P.C.

Kim Drake read the proposed changes by Town Counsel. The first suggestion was edits to section 1. 'Purpose' which were made upon the suggestions of Ed Neal.

Andrew St. John stated that he felt strongly that the definition section of the Southern Conomo Point Zoning District should be included in the Chapter VI Definitions. Andrew said that Kopelman and Paige, P.C. did disagree with his statement.

Westley Burnham stated he disagreed with Andrew's suggestion.

Kim Drake said that there was input from Town Counsel, Kopelman and Paige, P.C. that there wasn't an issue with not having a statement referencing the bylaws at the beginning of Chapter VI in the proposed.

Section 3 d was discussed.

Westley read an excerpt from CHP 40A section 6:

“Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. Any increase in area, frontage, width, yard or depth requirement of a zoning ordinance or by-law shall not apply for a period of five years from its effective date or for five years after January first, nineteen hundred and seventy-six, whichever is later, to a lot for single and two family residential use, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy-six, and had less area, frontage, width, yard or depth requirements than the newly effective zoning requirements but contained at least seven

thousand five hundred square feet of area and seventy-five feet of frontage, and provided that said five year period does not commence prior to January first, nineteen hundred and seventy-six, and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the zoning ordinances or by-laws in effect in a city or town.”

Bruce Fortier, 186 Southern Avenue asked why the regulations for Home Occupation within this proposed bylaw aren't as stringent as that in the existing bylaw. He suggested that within the existing bylaw regarding home occupation incorporate references regarding home occupation.

Carolyn Britt, Planner noted that the definition for 'Single Family' differs from the definition proposed by the Planning Board for the existing bylaws.

Westley Burnham said that he thought that was why the definitions are supposed to stay within the proposed Southern Conomo Point Zoning District.

The Board discussed the concept of having the two proposed definitions be more similar than proposed.

Bruce Fortier, 186 Southern Avenue suggested that the definitions for the existing bylaws and the proposed Southern Conomo Point Zoning District be in on 'Definition' section. If there were specific definitions for Southern Conomo Point Zoning District that they be referenced as such within the same definition section. Bruce used an example as a proposal with the definition for 'Home Occupation Southern Conomo Point:'

Ed Neal, , stated that the original draft that was given by the consultant is significantly different today and he urged the Planning Board to become more involved with presenting the proposed bylaw and asked that if the Board was to present the bylaw at Town Meeting then the Board should support the proposed bylaw.

Andrew St. John responded that it appeared that Ed Neal was suggesting that if the Board isn't unanimous and he disagreed with that statement. Andrew discussed with the public the history of the committees and explained how the Board.

Westley said he pretty much agreed with what Andrew said and that part of the process was that the Board did go through the first draft and made suggestions to the subcommittee. Westley then stated his personal belief was that the Board was doing this for the Selectmen in order to create a zoning district that is necessary for future sale and that it doesn't matter what his personal beliefs are regarding this topic are not important and

Bruce Fortier, 186 Southern Avenue pointed out that the members of the Conomo Point Committee were appointed individuals who are the separate from the Selectmen and that he did not approve of the fact that the term subcommittee has become used for the entire Conomo Point Committee and not a subcommittee.

Kim Drake stated that the Selectmen are the Commissioners.

Ed Neal, Western Avenue said that he believed that the Conomo Point Committee never made a vote to approve the draft that was submitted to the Planning Board.

Kim Drake stated that as a member of the Conomo Point Planning Committee she remembers the Committee did make a vote.

Westley Burnham said that he did believe he could understand Ed's (Neals) frustration and suggested that his frustration wasn't directed at the Planning Board but at the Conomo Point Committee.

Andrew St. John said he was curious to know what Ed Neal is actually suggesting.

Ed Neal, Western Avenue said that the Planning Board should not discuss the proposed warrant article with the Conomo Point Committee and he said that Nick Cracknel, Planner was making changes that were not made in a public forum with Conomo Point Committee.

Westley Burnham said that he believed that the authors should be asked about the proposed changes since the members of the Committee spent a long time.

Paul Collins, 31 Middle Road said that his notes state the CPPC did make a vote to approve the January 22, 2010 meeting.

Maryellen Drew, 13 Town Farm Road asked who the subcommittee is.

Kim Drake said that the CPPC set up a subcommittee to study the definitions further because there had been a number of drafts suggested and it could be very difficult for the twelve members to come to a consensus as to what would be completed. Then the subcommittee did attend the CPPC meetings.

Bruce Fortier, Southern Avenue said that under M.G.L. Chapter 40 A a public hearing for a proposed warrant article is not a 'working session'. The function of the public hearing is so the public can discuss it amongst themselves prior to the Town Meeting. He also pointed out that the Town Bylaws the Planning Board is required to make a recommendation.

There were no more comments from the Planning Board or the public.

The public hearing was continued to March 3, 2010 at 8:45 p.m. at the T.O.H.P. Burnham Library.

A motion was made and was seconded to adjourn the meeting at 10 p.m. The next public meeting is scheduled for March 3, 2010 at the T.O.H.P. Burnham Library.

Presented by:

Mary-Ellen Feener, Secretary

Westley Burnham, Clerk

Meeting Minutes -Town of Essex Planning Board - March 17, 2010

The meeting was called to order at 7:38 p.m. by Chair, Andrew St. John and was held at the T.O.H.P. Burnham Library.

Attendees: Kimberly Drake (KD), Bill Holton (BH), Andrew St. John (ASTJ), Westley Burnham (WB), Jason Heath (JH), Scottie Robinson - Juergen Dietrichson – Kim Drake arrived at 7:55 p.m. -Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

23 Turtleback Road – Chris Koeplin – Map 9 Lot 11N

BS: This application is to construct a new wood frame single family home with four bedrooms and two and a half baths. It has the approval of the Board of Health, Water, Conservation Commission and the Fire Department. The applicant is responsible for water service and fees. The DPW deemed that a curb cut was not necessary.

The motion was seconded and approved unanimously.

The Board reviewed the application and the plans.

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JH: I make motion that we approve the citing of the building at 23 Turtleback Road for Chris Koeplin finding it meets the Town of Essex Bylaws and it has the necessary approvals.

The motion was seconded and approved unanimously.

132 John Wise - Karen Moulton

Scottie Robinson asked Bill Sanborn about the property located at 132 John Wise Avenue and asked if he could investigate if the property was still being used as a home occupation.

(Later during the meeting the Building Inspector, Bill Sanborn handed the Board Secretary a copy of a Building Permit for this property which stated that a Building Permit for a Change of Use was approved by the Planning Board for a one family and the Secretary shared that document with the Board during the Regular Business portion of the meeting).

Forest Street

Andrew St. John mentioned a property located on Forest Street for which a building permit was approved with the contingency that once the new dwelling was completed the original dwelling be demolished. Andrew did not remember the street address but the Building Inspector did seem to remember the property from Andrew's discussion.

Lowland Farm Road

The Building Inspector asked about land on Lowland Farm Road; Lots 1 & 2 and the owners request to change the citing of the proposed dwellings. The Board said that since the applicants already had obtained building permits for the dwellings they would like to see what is being proposed but as of this evening they did not believe it would be an issue.

Board Discussion and Review of ANR Application – Soginese Creek Realty Trust – Spring Street

Attorney Mark Glovsky, Peter and Betsy Madsen, John Cushing, Sarah Cushing and Mary Ridge

Following discussion between the Board and the applicants it was determined that the applicants would request an audience with the Fire Chief and the Police Chief regarding what they had recommended to the Planning Board. The applicants will be on the agenda for the next scheduled meeting of the Board in April.

- Conomo Point Committee Article for the Warrant
- Articles for the Warrant to be presented by the Planning Board
- Open Seat on the Planning Board
- Building Committee Update – Juergen stated the proposed site of John Wise Avenue for a few of the municipal departments would soon be survey.

- Long Range Planning Committee –Andrew St. John said that the committee is still having discussions regarding a proposed survey.

Andrew St. John made a motion to adjourn the meeting at 9:59 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for April 7, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Westley Burnham, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – April 5, 2010

The meeting was called to order at 7:38 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Bill Holton (BH), Andrew St. John (ASTJ), Westley Burnham (WB), Jason Heath (JH), Scottie Robinson - Juergen Dietrichson – Kimberly Drake (KD)

Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

44 Adison Street – Clifford Ageloff – Map 34, Lot 25

BS: This is for a second story addition at 44 Adison Street and this will not meet the current setbacks but will not increase the non-conformity as a 6-4.2 finding. The application has the approval of Waste Water, Conservation Commission and the Fire Department 911.

Scottie Robinson asked if there would be an increase of bedrooms.

Andrew St. John asked about if the deck should be included in lot coverage and Westley Burnham added that the discussion and argument was that a deck does not constitute lot coverage.

WB: I make a motion that we approve the application of Clifford Ageloff of 44 Adison Street to construct a second story addition with a master bedroom and bath under the Zoning Bylaw 6-4.2 due to the fact it is non-conforming finding it meets the requirements of the Town of Essex Bylaws and it has the necessary approval.

The Building Inspector reviewed the building permit application for 25 Martin Street. There was no need for the Board to vote.

Spring Street Rear – Lynn-Ann Hagar – Map 41, Lot 14

BS: This is for a shed and fencing. The application has the approval of the Conservation Commission.

The Board reviewed the plan and the application. There was Board discussion regarding the frontage of the lot. The Board questioned it was a non-residential building, not a dwelling unit and would be considered to be a business use which would need a fifty foot rear set back. The Board reviewed the definition of Accessory Use, 'a subordinate use of land or buildings which is customarily incidental to the main building or to the principle use of the land and which is located on the same lot with the principle building or use'. Westley stated that he wanted to make sure that a precedent was not being set which would be that you can't have an accessory use if you don't have a principal use. Andrew said the definition. The Board agreed that MGL 40A, Section 3 regarding subjects which zoning may not regulate; exemptions; public hearings; temporary manufactured home residences, would be the reasoning for approval.

ASTJ: I make a motion to approve the application of Lynn-Ann Hagar, owner of Spring Street Rear to construct a barn shed and add fencing for agricultural use.

The motion was seconded and approved by the majority.

Westley Burnham was apposed to the ruling.

ANR Application – Soginese Creek Realty Trust – Spring Street

The Board discussed the application and the ANR plan brought to the meeting by the applicant. The Board once again stated that they need to have something in writing from the Fire Chief.

The Board also asked if the conservation land would be for a set period of time or for perpetuity.

Westley explained to the Applicants that the Board is required to review the road access for the current citizens and those in the future will be adequate for the current proposed use and all potential uses.

It was decided that the Applicant is responsible to check with the Police Department to see if the Chief still approves the new improvements to the road.

The Applicant will also discuss with his legal counsel about changing the words no additional lots to no additional dwellings (Westley suggested both).

Once the Applicant has the necessary information he will email it to Andrew St. John and Andrew will bring it to Town Counsel.

75Rear Wood Drive, Essex

The Board reviewed the application for Chapter 91 dock permit for 75R Wood Drive. The application was reviewed, approved and signed by the Board. Jason Heath recused himself from voting.

Meeting Minutes

The Board reviewed the meeting minutes of February 17, March 17 and April 21st. A vote was made and approved unanimously.

TBD Essex Park Drive – The applicant has requested how to

Regular Business

- Open Seat(s) Planning Board – Town Election
- Town Meeting 2010 Building Committee Update
- Community Preservation Committee Update
- Long Range Planning Committee Update
- Conomo Point Committee Update

Bill Holton made a motion to adjourn the meeting at 9:36 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for May 19, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Westley Burnham, Planning Board Clerk

Meeting Minutes – Public Meeting
Town of Essex Planning Board April 7, 2010

Due to the fact there a quorum of Planning Board members were not present, there wasn't a meeting.

The next public meeting is scheduled for April 21, 2010 at the T.O.H.P. Burnham Library.

Presented by:

Mary-Ellen Feener, Secretary

Westley Burnham, Clerk

Meeting Minutes -Town of Essex Planning Board – April 21, 2010

The meeting was called to order at 7:34 p.m. by Chair, Andrew St. John and was held at the T.O.H.P. Burnham Library.

Attendees: Bill Holton (BH), Andrew St. John (ASTJ), Westley Burnham (WB), Jason Heath (JH), Scottie Robinson - Juergen Dietrichson – **Absentees:** Kimberly Drake

Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications to present to the Planning Board.

ANR Application – Soginese Creek Realty Trust – Spring Street

Attorney Mark Glovsky, representing the applicant, discussed the recent history of the application.

To date the Planning Board had not received any correspondence from the Fire Chief Dan Doucette (unless sent to Kimberly Drake who was unable to attend the meeting this evening). Westley Burnham shared a conversation he had with Dan Doucette and he said that there was still concern due to the road width and the fact that two vehicles may not be able to pass in the road.

Andrew St. John suggested that the Board did not make a decision at this time due to the fact that the Board did not have new correspondence from the Fire Chief regarding the outcome following the recent site visit by the Fire Chief and the applicant.

Jason Heath asked the applicant the width of the road. Per the applicant, the surveyor stated on the day the Planning Board did a site visit that it was a minimum of twelve feet wide and in some places it was thirteen feet.

The applicant will talk to the Fire Chief and the Police Chief and the application will be reviewed at the next regularly scheduled meeting of the Planning Board.

Regular Business

- Open Seat(s) Planning Board – Town Election
- Town Meeting 2010 – The Board discussed the order in which the articles for the warrant will be presented. Westley will present Article 17 regarding the reformatting of Chapter VI of the Town Bylaws. Andrew St. John will present the Article 18, Juergen will present Article 19 and Kim will present article 20 and Jason agreed to act as a ‘back up’ solution if Kim is unable to attend. Jason did tell the other Board Members that he will be returning from a trip to Florida at 5:30 p.m. the day the date Town Meeting is being held.
- Building Committee Update
- Community Preservation Committee Update
- Long Range Planning Committee Update
- Conomo Point Committee Update

Westley Burnham made a motion to adjourn the meeting at 9:25 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for May 5, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Westley Burnham, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – April 5, 2010

The meeting was called to order at 7:38 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Bill Holton (BH), Andrew St. John (ASTJ), Westley Burnham (WB), Jason Heath (JH), Scottie Robinson (SR), Juergen Dietrichson (JD), Kimberly Drake (KD)

Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

44 Addison Street – Clifford Ageloff – Map 34, Lot 25

BS: This is for a second story addition at 44 Addison Street and this will not meet the current setbacks but will not increase the non-conformity as a 6-4.2 finding. The application has the approval of Waste Water, Conservation Commission and the Fire Department 911.

Scottie Robinson asked if there would be an increase of bedrooms.

Andrew St. John asked about if the deck should be included in lot coverage and Westley Burnham added that the discussion and argument was that a deck does not constitute lot coverage.

WB: I make a motion that we approve the application of Clifford Ageloff of 44 Addison Street to construct a second story addition with a master bedroom and bath under the Zoning Bylaw 6-4.2 due to the fact it is non-conforming finding it meets the requirements of the Town of Essex Bylaws and it has the necessary approval.

The motion was seconded and approved unanimously.

The Building Inspector reviewed the building permit application for 25 Martin Street with the Board; no decision or vote by the Board was required.

Spring Street Rear – Lynn-Ann Hagar – Map 41, Lot 14

BS: This application is for a shed to be used to house a horse and fencing. The application was approved by the Conservation Commission.

The Board reviewed the plan and the application.

There was Board discussion regarding the frontage of the lot.

There was discussion regarding the actual zoning use of the structure. Since the proposed structure would not be on a lot with a dwelling unit it could not be considered to have a Residential Use. The Board questioned if it would be categorized, as per the current Town of Essex Bylaws, as having a Business Use due to the fact that a Business Use would be the closest type of use.

Andrew read to the public and the Board the definition of Accessory Use from the Town of Essex Bylaws. 6-3.4

Accessory Use: A subordinate use of land or buildings which is customarily incidental to the main building or to the principle use of the land and which is located on the same lot with the principle building or use.

Westley stated that he wanted to make sure that a precedent was not being set which would be that a structure could be considered to have an Accessory Use though there was not a Principle Use.

The Board discussed the fact that unless the Town Bylaws prohibit agricultural use in a district then agricultural use can be done and if the property has more than 5 acres then it cannot be zoned out of an area and that the Principle Use would be agricultural.

The Board reviewed Massachusetts General Law Chapter 40A, Section 3. There was Board discussion and the majority of the Board agreed that MGL 40A, Section 3 did pertain to this application

Chapter 40A: Section 3. Subjects which zoning may not regulate; exemptions; public hearings; temporary manufactured home residences (from: <http://www.mass.gov/legis/laws>)

Section 3. No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain or wetlands regulations established pursuant to the General Laws. For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

ASTJ: I make a motion to approve the application of Lynn-Ann Hagar, owner of Spring Street Rear to construct a barn shed and add fencing for agricultural use.
The motion was seconded and approved by the majority.
Westley Burnham was opposed to the ruling.

ANR Application – Soginese Creek Realty Trust – Spring Street

The Board discussed the application and the ANR plan brought to the meeting by the applicant. The Board once again stated that they need to have something in writing from the Fire Chief.

The Board also asked the applicants and their attorney, Mark Glovsky if the conservation land would be for a set period of time or for perpetuity. The response was that at this time they had not made a decision.

Westley explained to the Applicants that the Board is required to review the road access for the current citizens and those in the future will be adequate for the current proposed use and all potential uses.
It was decided that the Applicant is responsible to check with the Police Department to see if the Chief still approves the new improvements to the road.

The applicant s will also discuss with their legal counsel about changing the current term on the plan be changed from no additional lots to state no additional dwellings on the plan. Westley suggested the addition of both terms.

Once the applicant s have the necessary information they will email it to Andrew St. John and Andrew will bring it to Town Counsel.

75Rear Wood Drive, Essex

The Board reviewed the application for Chapter 91 dock permit for 75R Wood Drive. The application was reviewed and approved by the Board. Jason Heath recused from voting.

Regular Business

- Open Seat(s) Planning Board – Town Election
- Town Meeting 2010 Building Committee Update
- Community Preservation Committee Update
- Long Range Planning Committee Update
- Conomo Point Committee Update

Bill Holton made a motion to adjourn the meeting at 9:25 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for May 19, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Westley Burnham, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – May 19, 2010

The meeting was called to order at 7:35 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Dexter Doane (DD), Andrew St. John (ASTJ), Westley Burnham (WB), Jason Heath (JH), Scottie Robinson (SR), Juergen Dietrichson (JD), Kimberly Drake (KD)
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

1 Riverview Hill Road – Map 41, Lot 23C – Neil Whoriskey

BS: This is for the construction of a 15 x 15 shed. It has the approval of the Con. Com. And the DPW Wastewater. It cannot be built within the grinder pump easement.

The Board reviewed the tax maps. The lot corners on Dodge Street and Riverview Hill Road.

Westley said that the road was built from Dodge Street up.

Bill Sanborn said it is not laid out on the Assessor's Tax Maps so that they cannot use it Riverview Hill Road as frontage since it is an easement.

Westley said you can't build a road just anywhere due to Chapter 81 (Mass General Law) and that Riverview Hill Road was approved.

The Board discussed which side of the lot would be the easement and which side would be considered the frontage.

WB: I make a motion that we approve the application submitted by Neil Whoriskey, 1 Riverview Hill Road as described by Bill Sanborn and as shown on the plan dated May 12, 2010 finding it meets the minimum standard of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

REGULAR BUSINESS

Nomination for Board Chair

Kimberly Drake was nominated for Chair and the nomination was seconded.

Andrew St. John was nominated for Vice Chair and the nomination was seconded.

A vote was taken and the Board approved the nominations unanimously.

Nomination for Clerk

Dexter Doane was nominated for Clerk and the nomination was seconded.

A vote was taken and the Board approved the nominations unanimously.

Open Seat

Juegen Dietrichson will be resigning from the Planning Board due to personal reasons. He will submit a letter of resignation to Brendhan Zubricki, Town Administrator and the Board of Selectmen, The Board discussed the open seat.

Building Committee

The Board also discussed the Building Committee and the need to fill the seat that Juergen will be vacating. Westley volunteered to take his place.

Conomo Point Committee

The Committee will be meeting tomorrow evening.

Long Range Planning Committee

Andrew reminded everyone to complete their questionnaires which were mailed to citizens of Essex.

ANR Application, 69 Choate Street, Lingly Lane LLP Applicant – Brian and Colleen M Malik, current owners

The Board reviewed the plan.

The Applicants presented the plan to the Board. Lots 4, 5, 6 will be accessed by one common driveway. The existing driveway and existing barn will remain. The existing greenhouses may be moved. The existing driveway is on Lot 1 and it will remain the existing driveway for Lot 1. Lot 2 and 3 will have a shared driveway.

The Board discussed the fact that wetlands may be used as frontage.

Scottie reminded the applicant and the Board that Choate Street is a designated Scenic Road and 'any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board'. (M.G.L. Chapter 40: Section 15C – excerpt)

Westley and Andrew both elaborated Scottie's point regarding trees and the fact that since Choate Street did not have boundaries regarding what land along the road belongs to the Town and what is privately owned that any tree work would require a public hearing.

WB: I move we endorse the ANR plan presented by Lingly Lane LLP, 910 Boston Post Road, Suite 310, Marlboro, MA, plan dated May 12, 2010 prepared by Thomas Land Surveyors of Hudson, MA, finding the plan meets the requirements of the Town of Essex, noting Lots 4, 5, 6 will be accessed by one common driveway and Lots 2, 3 will have one common driveway and Lot 1 will have a single driveway.

The motion was seconded and approved unanimously.

Board Discussion - 47-51 Lebaron Road

John Fenton, owner of one of the homes located on Lebaron Road (tax map 15, Lot 9 A) discussed with the Board what the homeowner's intentions would be regarding relocating an existing dwelling to another lot.

The Board discussed the fact the properties on the road use the sewer system and that the DPW Superintendent Paul Goodwin would need to approve the use of the sewer and the Board stated that if Paul Goodwin approves then they are not concerned about the number of bedrooms in each home.

The Board also discussed the fact that earlier in the meeting the Building Inspector mentioned he did not have concerns regarding the proposed relocation of the dwelling.

Board Discussion – Soginese Creek Realty Trust – Spring Street

The Board reviewed and discussed the letter received from the Town of Essex Fire Chief on May 19, 2010. The Board also discussed the proposed ANR plan. Westley used the example of how many vehicles utilize the Cox Reservation Road and Andrew answered 'a lot'.

Westley brought forward the concept that if the Board approves a twelve foot, mile long road the Board would be setting precedence. He also used an example of the Board approving in the past three lots being created on Old Manchester Road but it was required to be a sixteen foot road.

The Board reviewed the first point of the letter from the Fire Chief.

1. 'The road should be constructed of an adequate gravel base to accommodate fire apparatus, with a width of at least 12 feet, but shall be cleared to a width of 16 feet that is free from trees, stone walls, rocks, etc.'

Andrew said he did not believe the conservation land would be accessed by cars and people such as the Cox Reservation.

Kim said that an ANR is a division of land, independent of ownership and use. The fact that the owners are stating that they will be donating a certain portion of the land for conservation use is not irrelevant.

Westley stated that he would be content if the road would be 16 foot gravel and Scottie said that if in certain areas it had to go to 14 feet gravel that may be acceptable.

The Board reviewed the Subdivision Rules and Regulations Relative to Subdivision Control for 1-10 dwellings units. Does the applicant need to have a minimum right-of-way with a 44 foot width; which they do.

Does the possible applicant need to have 12 inches of gravel foundation? The answer was yes.

Does the Board want to see a gravel surface? The answer was yes.

Does the Board want to have the potential applicant have a surface width minimum of 16 feet and the Board said yes.

The Board agreed to waive the sight distance minimum and the required maximum grade of 8 percent was adequate.

Westley noted that the Board should waive the requirement of accepting a road as adequate access that exceeds 21, 000 feet.

The Board reviewed the letter written by Vice Chair Andrew St. John and unanimously agreed to the content of the letter. A copy of the letter is attached to these meeting minutes.

DPW Commissioner

The Board discussed the potential candidates for the position. The Board discussed the fact that two citizens were interested in the position; Joe Ginn and Bill French. The Board unanimously decided they would recommend Joe Ginn to be considered as the new DPW Commissioner.

Meeting Minutes

The meeting minutes of May 5, 2010 were reviewed and a motion was made to approve as amended, the motion was seconded and approved unanimously.

Jason Heath made a motion to adjourn the meeting at 9:28 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for June 2, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – June 2, 2010

The meeting was called to order at 7:35 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Public Library.

Attendees: Dexter Doane (DD), Andrew St. John (ASTJ), Westley Burnham (WB), Scottie Robinson (SR), Juergen Dietrichson (JD), Kimberly Drake (KD) Absentees: Jason Heath
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

51 Lebaron Road – Susan Banta

BS: this is for the approval for a new building, same footprint located at 51 Lebaron Road and for the demolition and moving of an existing building located at 47 Lebaron Road. Both applications have the approval of the Fire Department/911 and the Conservation Commission.

The Board reviewed the plans and applications.

WB: I move that we approve the removal and the rebuilding on the existing footprint at 51 Lebaron Road, owner Susan Banta, finding it meets the Town of Essex Bylaws and has the necessary approvals. The motion was seconded and approved unanimously.

John Wise Committee

Citizen Tom Ellsworth requested that the Board allow him and other citizens requested to speak with the Board regarding the same concept that the committee had been discussing a few years ago which would be agricultural/residential districts.

The Board discussed topics for potential future bylaw changes.

The Board decided that as of this meeting the Agenda would have a standing item on the Agendas to be Proposed Articles for Town Meeting 2011.

The Board also decided that the Secretary would contact Tom Ellworth and let him know that the Board will be in contact when they would be ready to meet with members of a committee to discuss the Board's goals for the 2011 Town Meeting.

Long Range Planning Committee

Andrew said the committee is trying to have more citizens complete the survey and Andrew reminded everyone to complete their questionnaires which were mailed to citizens of Essex.

Westley Burnham made a motion to adjourn the meeting at 9:08 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for June 16, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Westley Burnham, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – June 16, 2010

The meeting was called to order at 7:35 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Andrew St. John (ASTJ), Westley Burnham (WB), Jason Heath (JH), Juergen Dietrichson (JD), Kimberly Drake (KD)-Absentees: Dexter Doane, Scottie Robinson
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

57 Western Avenue

BS: 57 Western Avenue, owned by Anthony Ciarametaro, Map 36, 2B to build an accessory building for Home Occupation. It was reviewed by Con. Com. with a footnote that states only approved for location as shown on site plan dated June 8, 2010. The Fire Department should sign off on this application. I believe this would only be a courtesy. The DPW has to sign off on this application as well.

KJ: What is it going to be used for?

BS: To store lobsters.

WB: I move we approve the citing of an accessory building for Anthony Ciarametaro of 57 Western Avenue to construct 45 x 25 building finding it meets the requirements of the Town of Essex bylaws. Motion was seconded and approved unanimously.

32 Haskell Court

BS: This is for the new construction of a three car garage by D. Quinn Mills, Map 11, Lot 4. This application has the approval of the Board of Health and the Conservation Commission. The Board of Health wrote a footnote that stated there may not be living area above the garage. Based on the dimensions of the plan the garage will have a thousand square feet footprint.

The Board reviewed the plans.

Move to approve the citing of the three car garage at 32 Haskell Court finding it meets all of the setbacks and Bylaws of the Town of Essex.

The motion was seconded and approved unanimously.

DPW Commissioner

Kim informed the Board that Brendhan asked for two more names for the DPW Commissioner. Bill French said he would be interested in either the position of DPW Commissioner or Planning Board member.

Regular Business

Correspondence

Committee Updates

Update from the Chair

KJ: Brendhan has asked me to pull the file for 23-27 Centennial Grove because it has been a big topic of conversation.

69 Choate Street – Lingley Lane – Karen Carroll (sister of the applicant) representing applicant

The applicant presented an amended plan to change the frontage of the lots 1 and 6.

ASTJ: I know we approved this plan at our last meeting. I have a question, isn't there some type of precedent of not having the lot lines not reducing the width of the lots to make these 'pork chop' lots.

TBD Essex Park Drive – Continuation of Public Hearing

I move we extend to September 15, 2010 pending a formal request letter to be delivered by the attorney the applicants, Apple Street Nominee Trust.

Motion approved and seconded unimously.

Meeting Minutes -Town of Essex Planning Board – July 7, 2010

The meeting was called to order at 7:35 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Public Library.

Attendees: Dexter Doane (DD), Westley Burnham (WB), Jason Heath (JH), Scottie Robinson (SR), Kimberly Drake (KD)

Absentee: Andrew St. John

Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications to present to the Planning Board.

REGULAR BUSINESS

Meeting Minutes

The meeting minutes of May 19, 2010, June 2, 2010 and June 16, 2010 were reviewed and Westley Burnham made a motion to approve them as amended, the motion was seconded and approved unanimously.

Building Committee

Westley Burnham was given information to review by former Board Member Juergen Dietrichson. There has not been a meeting of the committee since Westley has taken Juergen's position on the committee.

Conomo Point Committee

Conomo Point Committee had a forum a few weeks ago which was well attended. Kim said a future meeting was scheduled; she believed it was scheduled for July 22nd.

Long Range Planning Committee

There were no updates.

Updates from the Chair

Open Seat – Planning Board

Juegen Dietrichson resigned from the Planning Board due to personal reasons. He submitted a letter of resignation to Brendhan Zubricki, Town Administrator and the Board of Selectmen, The Board discussed the open seat.

Brendhan Zubricki confirmed that Bill French is still interested in either of the available positions as the DPW Commissioner or as a Planning Board Member.

ANR Application – Spring Street – Soginese Creek Realty Trust, Attorney Mark Glovsky representing the members of the Trust

Attorney Glovsky reviewed the history of the process the applicants have followed since original discussions with the Planning Board since the beginning of 2010. He then reviewed the application, the plans and the applicant paid the required fee.

The Board reviewed the revised ANR plans completed by Dan Doucette of Donohoe and Parkhurst, Inc.

Westley explained that the Fire Chief wanted some assurance that the culvert would be able to support a very heavy fire truck. Mark Glovsky said it may become necessary for the owners to replace the culvert in the future.

SR: I make a motion that we endorse the ANR plan put before us Soginnesse Creak Realty Trust. We have received assurances from the Engineer that the work we required has been completed. We are waiving the 2,100 foot road length requirement. The application and the plan meets the Requirements for a road serving 1-10 lots. This approval is finding that the application meets the requirement of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Site Plan Review – 65 Eastern Avenue – John Couglin, owner, Attorney Peter Shea

Attorney Shea presented the plan for a climate controlled storage building. He stated that the owner would like to convert an older building which currently exists on the lot to the new climate control building.

Due to the proposed percentage of lot coverage it is the intent of the applicant to include more land to the existing lot in order to obtain a building permit which they will do with an ANR Application if the Site Plan Review Application presented this evening goes well.

The Board reviewed the criteria for a Site Plan Review Application and the Planning Board Clerk completed the form for the Board's decision. A copy of the decision was given to the applicant and a copy will be on file with the Planning Board office.

The Board requested that for erosion control that hay bales be used to protect the catch basins and to stop drainage from going down towards the back of the lot.

The applicant stated that the Building Inspector will be receiving the drainage calculations.

WB: I move we approve the site plan as presented for PMC Realty Trust for a property located at 65 Eastern Avenue for a 6,000 square foot climate controlled storage building, we have required erosion control for existing catch basins and storm water retention system and that and the proposed 26,439 square foot Parcel A as identified on the Site Plan dated 6-10-10 be approved as an ANR prior to issuance of Building Permit to assure conformity of the 25% lot coverage as required by the Town of Essex Bylaws

The motion was seconded. No Board discussion. Motion approved unanimously.

DPW Commissioner

Westley Burnham received a resume from David Pereen. The Board unanimously to suggest his name to Brendhan and Mary-Ellen will give him.

Jason Heath made a motion to adjourn the meeting at 9:52 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for July 21, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – July 21, 2010

The meeting was called to order at 7:35 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Dexter Doane (DD), Andrew St. John (ASTJ), Westley Burnham (WB), Jason Heath (JH)

Absentees: Scottie Robinson, Kimberly Drake

Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

9 Shepard Memorial Drive, Nathaniel and Christina Woodman, Map 37

BS: This application is for a first floor dining room and putting a second floor on top of the existing structure. The application has the approval of the DPW Wastewater, Conservation Commission, and the Fire Department/911.

The Board reviewed the plan.

WB: I make a motion we approve the building alterations for Nathaniel Woodman of 9 Shepard Memorial Drive due to the fact that the proposed use is no more detrimental than the current use as stated in the Town of Essex Bylaw 6-4.2.

The motion was seconded and approved unanimously.

REGULAR BUSINESS

Meeting Minutes

The meeting minutes of July 7, 2010 were reviewed and a motion was made to approve as amended, the motion was seconded and approved unanimously.

Conomo Point Committee

The next meeting is scheduled to be held on August 2, 2010.

Long Range Committee

The results of the recent survey are posted on the Town Web Site and the comments are also posted.

Open Seat – Planning Board

The Board unanimously agreed that they would be pleased to submit Bill French's name to the Selectmen as a candidate. Tomorrow, Andrew St. John will contact Brendhan Zubricki, Town Administrator and inform him of the Board's decision.

Candidates - DPW Commissioner

The most recent candidate presented by the Planning Board as a potential person to be the DPW Commissioner is also a Volunteer Fireman for the Town of Essex. He has chosen to withdraw his name as a candidate due to the fact that he is not allowed to hold two volunteer posts with the Town. Tomorrow Andrew will discuss with Brendhan the three nominees the Planning Board had presented as possible candidates for the DPW Commissioner. Andrew will also inquire as to any suggestions either Brendhan or the Selectmen may have as to how the Planning Board will be able to find another candidate and if Brendhan has received any inquiries from the posting for the position on the Town web site.

ANR Application – 63 & 65 Eastern Avenue – PMC Realty Trust, 239 Western Avenue

The Board reviewed the application and the plan. Due to the fact that Andrew St. John was unable to attend the last public meeting where the Site Plan Review Application was reviewed by the Board for this property, fellow Board Member, Westley, gave Andrew a brief update of what has happened.

The Board reviewed the plans.

WB: I make a motion we approve the ANR Application to add Parcel A to Parcel C-1 as shown on the plan drawn by Rural Land Surveys dated July 15, 2010 finding it meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Site Plan Review – Apple Street – Joshua Taylor - for a footprint which exceeds 2,500 square feet

The Board reviewed the plans. The Board discussed what constitutes a two-family property with the Town of Essex Bylaws. The Board agreed that a kitchen would constitute one unit. They also reviewed the requirements for a two-family dwelling according to the Town of Essex Bylaws and the Board agreed that if the applicant did choose in the future to convert the property to a two-family dwelling.

The applicant is proposing two semi-detached buildings; a three bedroom home, connected to a one bedroom structure which would have one bedroom and a bath to be used as a guest suite. According to the Applicant

The Planning Board calculated that the height of the dwelling would be 37 feet without a mean.

The Board requested that Mr. Taylor share a foundation plan and how it relates to the existing house. The Board suggested the building plans are shared and that they show that the kitchen from the dwelling with the proposed guest suite is removed.

REGULAR BUSINESS CONTINUED

Jason Heath will not be able to attend the next public meeting of the Planning Board.

Jason Heath made a motion to adjourn the meeting at 8:42 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for June 2, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – August 4, 2010

The meeting was called to order at 7:46 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Dexter Doane, Andrew St. John (ASTJ), Westley Burnham (WB), Bill French (BF), Kimberly Drake (KD)
Absentees: Jason Heath, Scottie Robinson
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

73R Eastern Avenue

BS: Applicants were in for a Site Plan Review and an ANR. This is for the siting of the building.
The Board reviewed the plans.

WB: I make a motion we approve the building siting of PMC Trust as shown on this plan completed by the engineering firm Gateway Consultants dated 6-6-10 finding it meets all the Town of Essex Bylaws and contingent on the applicant obtaining sign offs from the DPW and the Fire Department/911.
The motion was seconded and approved unanimously.

Regular Business

Meeting Minutes

The meeting minutes of July 21, 2010 were reviewed. A motion to approve them as amended was made, seconded and approved unanimously.

DPW Commissioner

Brendhan Zubricki, Town Administrator, was contacted by Brian Feener regarding the DPW Commissioner position.

Town Meeting 2011

The Board discussed drafting a list of potential warrant articles for Town Meeting 2011. Kim will generate an email to all Board Members asking that they start formulating ideas and then bring three items to suggest as proposed articles for the warrant to the next meeting so that the Board may discuss the suggestions.

Dexter Doane made a motion to adjourn the meeting at 8:36 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for August 18, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – August 18, 2010

The meeting was called to order at 7:38 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Scottie Robinson (SR), Kimberly Drake (KD), Bill French (BF) – **Absentees:** Andrew St. John, Jason Heath, Dexter Doane **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications to present to the Planning Board.

Regular Business

The Protection of Rural Land Uses and Community Character Proposal, which is a MAPC (Metropolitan Area Planning Council) Grant, was awarded to both Essex and Ipswich.

Kim shared with the Board her conversations with Mark ^{RACICOT}~~Draisen~~ of the MAPC regarding how a joint meeting with the Ipswich Planning Board and Open Space Committee and the Essex Planning Board could be beneficial.

Kim volunteered to contact Mark of the MAPC to discuss the two dates in September which the Planning Board suggested as potential dates to meet with the other people involved with the grant.

Building Committee Update, Westley Burnham

At the last committee meeting, Reinhardt Associates was chosen as the firm to do the Town Building Feasibility Study. The suggestion to hire Reinhardt Associates will still need to be approved by the Finance Committee at the November Special Town Meeting.

Conomo Point Committee Update, Kimberly Drake

Taintor & Associates, Carolyn Britt, Planner met with the Conomo Point Committee. Kim stated that the Planning Board will be receiving information from the C.P. Committee in all likelihood by October 2010.

The Planning Board member who is also a member of the Community Preservation Committee did not have an update for the Planning Board.

The Planning Board member who is also a member of the Long Range Planning Committee was not present for the meeting this evening.

Informal Discussion – Michelle Meyer – 11 Choate Street

The owner of the property attended the meeting this evening in order to ask if the driveway she would like to propose on the designated scenic road, Choate Street, would require a Special Permit Application. The owner shared photos of where she is proposing to make a driveway and a plot plan. The Board determined she did not need to apply for a Special Permit. The Board did suggest she go to the Department of Public Works for a curb cut. Scottie Robinson remembered viewing the address, 11 Choate Street on the agenda for the Conservation Commission's meeting held on August 17, 2010. The Board reviewed that agenda and the name of the applicant. Based on the name of the applicant and the purpose of the application the Board determined that it was not the owner of 11 Choate Street.

Regular Business Continued

The Board reviewed the meeting minutes for August 4, 2010. A motion was made to approve the minutes as amended. The motion was seconded and approved unanimously.

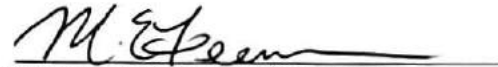
The Board continued their discussion regarding proposed articles for the warrant in 2011. Kim read the suggestions emailed to her from Andrew St. John. The Board discussed a Village Overlay District, a Scenic Overlay Bylaw, some additional definitions; mixed use, business use definitions were two brought forward this evening. The Board Members present agreed that a proposed OSRD article and to work on a Site Plan Review Bylaw were not a priority.

The Board Secretary printed a copy for each Board Member of the results of the survey completed by the Long Term Planning Committee and the report completed for the Town by Carolyn Britt, Planner regarding her ideas and suggestions for the Zoning Bylaws.

Westley Burnham made a motion to adjourn the meeting at 9:02 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for September 1, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Dexter Doane, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – September 1, 2010

The meeting was called to order at 7:48 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Andrew St. John (ASTJ), Jason Heath (JH), Westley Burnham (WB), Scottie Robinson (SR), Westley Burnham (WB), Kimberly Drake (KD), Dexter Doane (DD) – **Absentees:** Bill French
Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

23 Choate Street – Jeffrey & Rebecca Jones - Map 17 – Lot 7

BS: I have one application this evening. It is for 23 Choate Street and the applicants are Jeffrey and Rebecca Jones. This application would require a 6-4.2 finding under the Town of Essex Bylaws due to the property does not meet the setback requirements. This application has the approval of the BOH, the Fire Department/911. The Conservation Commission stated they did not need to approve the application. ASTJ: Is Choate Street the frontage?

BS: Yes.

ASTJ: Then what is being proposed is no more detrimental than the current use.

ASTJ: I move we approve this siting finding that the proposed use is no more detrimental than the current use.

The motion was seconded.

The motion was approved unanimously.

The Building Inspector and the Planning Board discussed the Bylaw 6-7.2 which requires a Site Plan for all Building Permit applications (those for new roofs, new siding etc.). The Building Inspector suggested that a change to this bylaw be a proposed warrant article for the Town Meeting 2011. The Planning Board stated that they would take this suggestion into consideration.

Site Plan Review - Josh Taylor – 67 Apple Street

Joshua Taylor, owner, presented his site plan which he had revised by an engineer following his informal conversation with the Planning Board at the July 21, 2010 meeting.

The Board stated that he was required to have 30,000 square feet per dwelling unit. The Board reviewed the plan. The Board agreed that what the applicant is proposing would be a building addition and a single family dwelling..

The applicant stated he would like to have two dwellings on the plan that the Board approves though he does not plan on doing the second dwelling at this time.

Kim Drake asked if this indicated that he would need to wait five years before building a second dwelling and the other Board participating Board Members decided and agreed he did not need to wait five years.

The Board allowed the applicant to make the changes with a pen to the plan during the meeting (the edits were done due to the suggestions of the Board and approved by the Board once done by the applicant).

The Board reviewed the list for Site Plan Review and the criteria stated in the Town of Essex Bylaws and Board Chair; Kim Drake completed the form for the Board's decision.

The Board approved the Site Plan Review Application with the annotations to the plan.

JH: I make a motion we approve the Site Plan Review Application for 67 Apple Street, Joshua Taylor with the notations on the plan.

The motion was seconded and approved by the Board.

Scottie Robinson recused herself from discussion and vote on the application due to the fact her home is located on Turtleback Road. 67 Apple Street is an abutter to an abutter.

Regular Business

The Protection of Rural Land Uses and Community Character Proposal, which is a MAPC (Metropolitan Area Planning Council) Grant, was awarded to both Essex and Ipswich. Ipswich Planning Board and Open Space Committee and the Essex Planning Board will meet on September 21st at 7 or 7:30 p..m. at the Ipswich Town Hall.

A Board Member discussed a property located at 72 Belcher Street, Jack Schylling who was allowed to remove a stone wall in order to install a septic system but required to build the stone wall back.

A Board Member questioned the property located at 31 Forest Street owned by William Kiester. The owners were allowed to build a new home with the condition the older home was torn down once the new home was completed and an occupancy permit was obtained.

Town Meeting 2011

The Board discussed priorities for the upcoming year. The following items were discussed:

Village Overlay District, Additional Business Use Definitions, Scenic Overlay, Mixed Use, Change of Use, Building Height, a combination of the Bylaw 6-4.2 and 6-4.3, to rewrite the bylaw regarding all Building Permit Applications requiring a site plan, there should be one section for two family , parking, minimum lot area for a motel is currently 2 acres which should be changed, the Water Resource Protection section should be taken out of the Zoning Bylaw, need to clarify if something isn't listed does that mean is it prohibited, definition of a side yard and the front yard of a corner lot, to break down the definitions of commercial use and business use, temporary shelters and/or tents,

Centennial Grove Committee

The Selectmen requested a member of the Planning Board volunteer to participate with the committee and Scottie Robinson agreed to be a member.

Meeting Minutes

The Board reviewed the minutes of August 18, 2010. A motion was made to approve the minutes as amended.

Conomo Point Committee Update: There has not been a meeting since the last meeting of the Planning Board.

The **Community Preservation Committee** there were not any updates for the Planning Board due to the fact the committee has not meet during the summer months.

The **Long Range Planning Committee** will be meeting next week.

Andrew St. John made a motion to adjourn the meeting at 9:26 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for September 18, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Bill French, Vice-Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board – September 15, 2010

The meeting was called to order at 7:44 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Andrew St. John (ASTJ), Jason Heath (JH), Scottie Robinson (SR), Kimberly Drake (KD), Bill French (BF) –

Absentees: Dexter Doane (DD), Westley Burnham (WB)

Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have an application which required review or approval by the Planning Board.

Essex Park Drive – Continuation of Public Hearing

Attorney Orestes G. Brown of Metaxas, Brown and Pidgeon LLP, Beverly Massachusetts, representing the Apple Street Nominee Trust requested an extension for the public hearing for the Application for the Definitive Subdivision Plan as submitted to the Board on December 3, 2008 to be continued to November 17, 2008. (Letter is attached to the Meeting Minutes).

ASTJ: Motion to accept the extension of the Apple Street Nominee Trust for the Public Hearing for the Application for Approval for a Definitive Subdivision Plan until November 17, 2010.

The motion was seconded and approved unanimously.

Regular Business

Community Preservation Committee

There were no new updates.

Building Committee Update

There were no new updates.

Conomo Point Committee Update

The next meeting is schedule for Wednesday, September 22, 2010. Board discussion was pertaining when the Selectmen would propose a Bylaw change; would it be at the Special Town Meeting in November 2010 or the Annual Town Meeting in May 2011.

Long Range Planning Committee completed the work on the Town-wide questionnaire and the results were that the biggest concern of the citizens was Open Space and Environmental Concerns.

The Protection of Rural Land Uses and Community Character Proposal

The proposal is a MAPC (Metropolitan Area Planning Council) Grant, was awarded to both Essex and Ipswich.

Scottie, Andrew, Kim, Bill and Jason said they would attend the meeting scheduled for September 21, 2010 meeting with MAPC and the Ipswich Planning Board in Ipswich at 7:30 p.m. at the Ipswich Town Hall.

Cottage Committee

Kim Drake, informed Brendhan Zubricki, Town Administrator that Scottie Robinson volunteered for this committee.

Planning Board Vice-Clerk

Bill French was nominated and the Board approved unanimously that he would be the Vice-Clerk of the Planning Board.

Informal Discussion – Southern Avenue – Kyle Gale – Brian Buia, Apple Associates

Kim Drake gave a brief update for the newer Board Members regarding the past events which occurred during the last few years regarding this land.

Kyle Gale and Brian Buia, the engineer working with Kyle Gale, agreed with the Planning Board that the applicant would need to create the frontage due to the fact the lot(s) would be accessed via an easement.

The Planning Board stated that they would require written documentation from the Town Administrator, Brendhan Zubricki which would state that Town of Essex Selectmen, as the Trustees of the Coolidge Trust, approved of the access to the lot(s) as well as acknowledgement from the abutters that they also agree with a new plan.

Regular Business Continued

The Board reviewed the meeting minutes of September 1, 2010. Scottie Robinson made the motion to approve the Meeting Minutes of September 1, 2010 as amended. The motion was seconded and approved unanimously.

Jason Heath made a motion to adjourn the meeting at 9:26 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for October 6, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Clerk

MEETING MINUTES – ESSEX PLANNING BOARD – OCTOBER 6, 2010

Attendees: Dexter Doane (DD), Westley Burnham (WB), Jason Heath (JH), Scottie Robinson (SR), Kim Drake (KD), Bill French (BF), Andrew St. John (ASTJ)

Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Westley Burnham nominated Scottie Robinson as a pro-temp Chair. The motion was seconded and approved unanimously.

The meeting was called to order at 7:25 p.m. by Pro-Temp Chair Scottie Robinson and was held at the T.O.H.P. Burnham Public Library.

REGULAR BUSINESS

Meeting Minutes

Review of September 15, 2010 meeting minutes.

Kim Drake and Bill French arrived at 7:38 p.m.

Scottie Robinson resigned as pro-temp chair and Kim Drake assumed the position of Chair.

Andrew St. John arrived to the meeting at 7:42 p.m.

A motion to approve the meeting minutes of September 15, 2010 as reviewed was approved. The motion was seconded and approved unanimously.

BUILDING INSPECTOR'S REPORT

The Building Inspector did not have any building permit applications to present to the Planning Board.

Community Preservation Committee

Co-Members Jason Heath and Scottie Robinson did not have any updates.

Building Committee

Westley Burnham attended a public forum at the end of September where a Power Point Presentation was shown to the public which illustrates three different scenarios that the Building Committee has considered. At the next Town Meeting the Committee will be requesting \$50,000 to hire Reinhardt Associates as the firm to do a study to review each scenario as a ten year plan which would include expenses. The next Public Forum will be on October 25th at 7 p.m.

The Cottage Committee

There were no updates from the Committee Member, Scottie Robinson other than the Committee was meeting this evening at the Fire House and the fact the Committee was denied the opportunity to meet at the Fire House.

Conomo Point Committee

Kim said the future meetings were scheduled for October 7, 2010 and October 14, 2010 at the Senior Center at 7:30 p.m.

Long Range Planning Committee

There were no updates.

Planning Board Office

The Planning Board Secretary will have keys made for each of the Planning Board members to access the new Planning Board office.

Planning Board Secretary's Vacation

The Planning Board Secretary will be on vacation from October 15th – 21st and will not be able to attend the October 20th meeting and will make sure that all is set for the meeting prior to her leaving.

PLANNING BOARD DISCUSSION WITH MARK RACIOT FROM M.A.P.C.

Ed Howard, local business owner of Howard's Flying Dragon Antiques attended
Mark Racicot, MAPC

Mark Racicot presented an overall presentation of the series of events which led to why he was meeting with the Board.

He then presented a packet of information to share with the Planning Board that included Bylaws from other Massachusetts towns which were categorized as either Corridor Protection Bylaws or a Transfer of Development Rights Bylaws, The Board reviewed and discussed these Bylaws from other Massachusetts Towns.

The Board unanimously agreed that they would like to use the grant funds to have MAPC work on a Village Overlay District with further discussions regarding Transfer of Development Rights. Westley Burnham will bring a map which shows the

Dexter Doane made a motion to adjourn the meeting at 9:48 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for October 20, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Clerk

MEETING MINUTES – ESSEX PLANNING BOARD – OCTOBER 20, 2010

Attendees: Jason Heath (JH), Scottie Robinson (SR), Kim Drake (KD), Andrew St. John (ASTJ), Dexter Doane (DD), Westley Burnham (WB) - Absentees: Bill French

Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

The meeting was called to order at 7:37 p.m. and an announcement to the members of the public attending the meeting that the meeting was being recorded was made by Chair Kim Drake. The meeting was held at the T.O.H.P. Burnham Public Library.

Building Inspector's Report

64 Eastern Avenue – Map 14, Lot 8 – Julia F. Carpenter Revocable Trust

BS: This application is to tear down the existing house and construct a new single family home with a farmer's porch on three sides of the dwelling. The lot has over 576 feet of frontage, more than 55 feet for the side yard setbacks and more than 120 feet for the rear yard setback and the lot is over 17 acres. The application has the approval of Wastewater/DPW, Con. Com. and the Fire Department/911. We are waiting for them to go to the Board of Health to demolish the building. This property was formerly known as Blue Sky Farms.

The Board reviewed the plans.

JH: I make a motion to approve the demolition of the existing dwelling and approve the siting for the construction of a new home located at 64 Eastern Avenue finding that it has the necessary approvals and that it meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

3 Lowland Farm Road – Lot 4 – Unit 2 – Apple Street Trust/Sovereign Realty Advisors

BS: As a reminder to the Board, there were two other Building Permits approved on this lot by the Planning Board and then the Board of Health revoked their approval for the septic design, brought forward a law suit against the applicant. After a year or so the lawsuit was settled and the Board of Health has approved the septic design for the two Building Permits. This application is to build a four bedroom modular home on the same lot which as the Board will remember is allowed on this subdivision. This application has the necessary approvals from the Board of Health, Wastewater/DPW, for a curb cut by the DPW, Con. Com. and the Fire Department/911.

The Board reviewed the plans.

SR asked BS the size of the dwelling footprint and if there would be separate driveways. BS replied that the footprint would be 980 square feet and that there would be three separate driveways.

WB: The footprint of the dwelling would not matter with this one since it was before the Site Plan Review Bylaw was adopted (*at a Town Meeting*).

ASTJ asked BS the name of the applicant. BS answered that it was Apple Street Trust. However, the builders/developers will be Sovereign Realty Advisors and they had a signed Purchase and Sales Agreement.

WB: I move we approve the siting of a single family, four (4) bedroom, modular home, to be located 3 Lowland Farm Road, Lot 4, finding it meets all of the required setbacks, and the Town of Essex Bylaws in effect which are applicable to this property.

BS: Did he say it was a modular home?

DD: I know Todd (*of Sovereign R.A.*) and that is all they do.

WB: It states four bedroom modular home.

BS: He is going to have to give me a lot more stuff because this is a modular home but you can still approve the siting of the building.

JH seconded the motion.

ASTJ requested more discussion by the Board: When I go for a Building Permit in Boston I am required to do two things. One is to have a contract between the owner of the building and myself.

BS: Under Mass State Building Codes a contract isn't required for single family dwellings. Boston is unique and they do have their own Zoning Bylaws and Building Codes. If you were doing home improvements then it would be required to share a copy of the contract between the contractor and the owner.

KD: O.k..... All in favor?

The Board approved the motion unanimously.

Continuation of Building Inspector's Report

BS: I received an email from Scott DeWitt. (*Trescott 'Scott' DeWitt, Essex resident, Chair of the Board of Public Works*)

ASTJ: So did we and this isn't a topic for conversation right now; it will be discussed later on.

SR: What's the issue?

ASTJ: Do you want to jump to this?

KD: We might as well since Skip Crocker contacted us today and asked to postpone his presentation of an ANR Application for the properties he owns on John Wise Avenue.

Board Discussion 191 Western Avenue – Anor LLC – Map 5, Lot 54

ASTJ: I will read the email I was sent: 'I was in the Building Inspector's office the other day inquiring about the permitting process for 191 Western Ave.' (ASTJ: I believe this is the apartment over a machine shop).

KD: When it came to us on March 18th...

ASTJ: First of all let's all agree where it is located.

Kim Drake read an excerpt of the March 18, 2009 meeting minutes.

ASTJ: O.k. Let me continue with the letter. 'The questions I have are the following: As I understand it you need forty (40,000) square feet of upland per dwelling unit in the Water Resource Protection District and if you don't, you need a variance...'

WB: Correct.

ASTJ: "Also I believe a Change of Use requires a Special Permit."

KD: It is not a Change of Use; it is an Added Use according to our minutes.

ASTJ: "It is my understanding that the previous use as a home had been abandoned as the house had been demolished for years. Also the original building permit granted did not mention the addition of a dwelling unit and was at one point pulled. As the developer of 199 Western Ave. the variance and Special Permit were required by your board to obtain a building permit for that property. My inquiry to the board is why the same standards do not apply to 191 Western Ave? Regards, Scott DeWitt, 17 Lakeview Road, Essex Ma 01929."

KD: If it wasn't an addition to a building which I don't believe it was in this permit then upland areas don't matter, right?

WB: Water Resource Area according to Bylaw 6-13.3 requires forty thousand (40,000) square feet per dwelling unit.

KD: Even if it is an existing structure?

WB: Yes.

JH: It doesn't matter anyways, this is done. If he wants to appeal then he can appeal.

WB: The only way we have dealt with Mixed Uses is to address each proposed use; the dwelling would require (forty thousand square feet and the business would require thirty thousand because it is on an existing way.

SR: Yes.

KD: The fact is it was done and possibly two or three of us were here then.

WB: Wait a minute now has he built it?

BS: What he did was take the existing structure and made the garage on the first floor and he didn't create any more impervious area and then the second floor was going to be a gym for his employees and office space not open to the public. Then in that process he got divorced and then he moved into the second floor.

WB: So, rather than make him homeless you guys let him make a one bedroom apartment?

BS: Well, once we found out he was there because we got a bunch of complaints we issued enforcement letters and the DPW revoked their permit. Then I went to check out the property. He did get all the necessary sign-offs from everyone.

The Board reviewed the size of the lot as shown on the Assessor's Map. It is .44 acres. *(19,166.4 square feet)*

WB: That should have gone for a variance *(to the Essex Board of Appeals)*.

The Board decided that they would request that the Secretary email Scott DeWitt a copy of the March 18, 2009 Meeting Minutes.

Excerpt from the March 18, 2009 Meeting Minutes:

191 Western Avenue – Anor LLC – Map 5, Lot 54

BS: This application is for a change of use for the second floor portion of an unused portion of machine shop to a one bedroom apartment. It has the approval of the B.O.H., DPW and Fire Department 911.

SR: Is there adequate parking?

BS: Yes, there is one needed for every 500 square feet and the applicant states that he can put 15-16 cars in the parking lot.

BH: It is not a change of use, it is an added use.

ASTJ: Yes.

SR: This application states three bedrooms.

The applicant stated that he was hoping to have three bedrooms approved. Bill Sanborn stated the

Since the approval from the DPW, the BOH were for one bedroom the applicant would be limited to one bedroom for an approval.

SR: I make a motion that the Planning Board approve the application of Anor LLC to add a residential use on the second floor as a one bedroom apartment on the 40 x 32 portion of the building. The remaining portion of the building will be used as an industrial use. It has the approval of the B.O.H., DPW and Fire Department 911. It does fit the parking space requirements.

AR: I second the motion.
All in favor?
Aye.
Motion passed unanimously.

23-25-27 Centennial Grove Road – Map 8, Lot 50 – Keith and Faith Symmes

Donald M. Geenough, Attorney representing the owners

Donald Geenough presented a brief history of the Symmes property and explained why the he was before the Board.

Keith Symmes owns two (2) of the three (3) dwellings which were built on one lot located on 23-25-27 Centennial Grove Road. Due to the fact that the Board of Selectmen are the administrators of Town owned land Keith Symmes contacted the Board of Selectmen for permission for an easement over land currently owned by the Town which in turn would allow each of the dwellings the required amount of area and distance for frontage to be three separate lots.

The Planning Board stated that prior to considering an application the applicant would need to show that the road would be built to the standards of what is required for a road as stated in the Bylaws, that the plan updated (the one brought to the meeting was which was done in the past) and that the applicant has authorization from the Board of Selectmen to have an easement over land owned by the Town.

REGULAR BUSINESS

Meeting Minutes of October 6, 2010

A motion was made to approve the Meeting Minutes of October 6, 2010 as amended was made, seconded and approved unanimously.

Westley Burnham made a motion to adjourn the meeting at 9:36 p.m. and the motion was seconded and approved unanimously.

The next meeting is scheduled for November 3, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Co-Clerk

DRAFT: Meeting Minutes -Town of Essex Planning Board – November 3, 2010

The meeting was called to order at 7:36 p.m. and an announcement to the members of the public attending the meeting that the meeting was being recorded was made by Chair Kim Drake. The meeting was held at the T.O.H.P. Burnham Public Library.

Attendees: Andrew St. John (ASTJ), Westley Burnham (WB), Scottie Robinson (SR), Kimberly Drake (KD) - Absentees: Dexter Doane, Jason Heath, Bill French
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit applications to present to the Board.

REGULAR BUSINESS

Building Committee

The Board reviewed and discussed the information from the November 1, 2010 Town Administrator's Report regarding the Building Committee: "The Town Building Committee held the subject forum on October 25, 2010. The forum focused on addressing the concerns of a group of residents. Extensive discussion regarding the public's questions and concerns was held and the Committee will meet one more time prior to the Special Town Meeting in order to plan a presentation that highlights the need for the study while addressing some common questions and concerns." The Board also discussed the fact that there is a proposed Warrant Article which will be presented at the Special Town Meeting scheduled to be held on November 15, 2010 at the Essex Elementary School. The Article will be a request for fifty-thousand dollars (\$50,000) to hire Reinhardt Associates to study, review and present numerous scenarios regarding the Essex Town Hall. Westley stated that the Committee requested that Reidhardt Associates present a ten (10) year plan and the expense for each proposed scenario.

Conomo Point

The Planning Board and the Board of Selectmen will be holding a joint meeting on November 17, 2010 at the T.O.H.P. Burnham Library. The Selectmen's Clerk, Pam Witham and the Secretary for the Planning Board, Mary-Ellen Feener will make sure proper notices are posted.

Payroll

The Board approved the payroll for the Secretary.

Planning Board Discussion with Mark Racicot from M.A.P.C.

Mark Racicot, MAPC

Mark Racicot shared with the Board the series of events which led to the reason why he was meeting with the Board.

The Board and Mark discussed how they would like to utilize the grant funds. The Board Members decided that they would like to consider the current grant money to propose a Warrant Article for Open Space Residential Design (OSRD). The Board's decision was in part due to the fact that there is certain criterion for the grant which is consistent with an OSRD.

The Board had worked on an OSRD in 2006 and 2007. However, at that time it was decided not to present the OSRD as a warrant article at either of the Town Meetings.

The Board agreed that at the next Planning Board Meeting which is scheduled for November 17th that they would discuss the OSRD in preparation for the next time Mark is scheduled to meet with the Board which will be on December 1, 2010.

The Board and Mark also discussed the Village District and long term goals regarding a Village District. Kim suggested asking the Merchant's Group and other business owners to talk to the Board.

Andrew St. John made a motion to adjourn the meeting at 9:12 p.m. The motion was seconded and approved unanimously.

| Text meeting is scheduled for November 17, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Clerk

MEETING MINUTES – ESSEX PLANNING BOARD – November 17, 2010

Attendees: Jason Heath (JH), Scottie Robinson (SR), Kim Drake (KD), Dexter Doane (DD), Westley Burnham (WB), Bill French (BF), Andrew St. John (ASTJ)
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

The meeting was called to order at 7:38 p.m. and an announcement to the members of the public attending the meeting that the meeting was being recorded was made by Chair Kim Drake. The meeting was held at the T.O.H.P. Burnham Public Library.

Building Inspector's Report

43 Lufkin Point Road – Map 20, Lot 17 – James McGraw

BS: This is to demolish the existing house and garage and install a new foundation and build a new home and a detached garage which will be constructed on the original footprint of the garage. The application was approved by the Board of Health, Con. Com. and the Fire Department/911.

It is for seasonal use until the Board of Health approves the water source.

The Board reviewed the plans.

WB: I make a motion to approve the application of James McGraw of 43 Lufkin Point Road to demolish the existing house and garage and install a new foundation and build a new single family seasonal dwelling and a detached garage which will be constructed on the original footprint of the garage, finding it has the required approvals. This approval is under Town of Essex Bylaw 6-4.2 due to the fact the proposed use is not substantially more detrimental than the existing use.

The motion was seconded and approved unanimously.

TBD Essex Park Drive Continuation of the Public Hearing for a Definitive Plan

KD: It is 8:00 p.m. and I am opening the Public Hearing for the Definitive Plan Application for TBD Essex Park Drive. We received a letter from Attorney Oresetes 'Rus' Brown, Trustee for Apple Street Nominee Trust requesting an extension to January 19, 2011. The letter also requests that the Board takes final action on February 2, 2011.

The Board agreed unanimously to continue the Public Hearing to January 19, 2011 but not to the February 2, 2011 request for final action. It was decided that Chair Kim Drake would contact Attorney Brown and share the decision of the Board and that she would request permission from the Town Administrator to contact Town Counsel and ask a few questions regarding this application.

ANR – 163-161 Southern Avenue/Kings Court – Nancy 'Nannie' Winslow

The Board reviewed the application and plan.

ASTJ: I move that we endorse the ANR plan and application of Nancy Winslow for 161 and 163 Southern Avenue to move lot line(s) finding it does not increase the nonconformity as shown on Plan prepared for Peter L. Winslow, Christopher T. Carlson, and Nancy J. Winslow, Trustees of f the Nancy J. Winslow Revocable Trust by Donohoe and Parkurst, Inc., dated November 2, 2009.

The motion was seconded and approved unanimously.

The Board Members signed the copies of the plan, the Mylar plan and the application.

REGULAR BUSINESS

Community Preservation Committee

Co-Members Jason Heath and Scottie Robinson did not have any updates.

Building Committee

Westley Burnham updated the Board with the information that at the recent Special Town Meeting in November the Warrant Article which requested funds to hire Reinhardt Associates to do a Feasibility Study was approved.

The Cottage Committee

There were no updates from the Committee Member, Scottie Robinson.

Long Range Planning Committee

There were no updates.

Invoices

The invoice from Staples for Office Supplies was approved by the Planning Board.

Upcoming Meeting Agendas

In the past the Board has discussed different ideas and proposals for the downtown. Kim recently had the opportunity to speak with Scott DeWitt, Chair of the Board of Public Works, and he was very receptive to the possibility to have both Boards discuss sewer use and the capabilities of the current system.

Proposed Southern Conomo Point Zoning District Bylaw Board Discussion

Present: Nick Craknell, Horsley Witten Group; A. Raymond Randall Jr., Jeffrey Jones, Lisa O'Donnell of the Town of Essex Board of Selectmen; Mark Lynch, Chair of the Conomo Point Committee

Planning Consultant, Nick Craknell of Horsley Witten Group who has been working with the Selectmen and the Conomo Point Committee reviewed what has been discussed and proposed over the past 18 months since he was hired to work on project.

He then shared with the Board what the Selectmen are proposing as an Article for the Warrant at the 2011 Town Meeting.

The Planning Board stated that they would like time to review and discuss as a Board the proposed Zoning Bylaw.

Dexter Doane made a motion to adjourn the meeting at 10:18 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for December 1, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Co-Clerk

Agenda – December 1, 2010 – Town of Essex Planning Board - Draft

- 7:30 Building Inspector's Report *or Regular Business*
- 8:00 Regular Business
- 8:15 Planning Board Discussion with Mark Racicot from MAPC regarding OSRD *or Regular Business*
- 9:00 Board Discussion regarding possible Downtown Initiatives *or Regular Business*
- 9:15 Board Discussion Regarding the Great Marsh Assembly Project Proposal *or Regular Business*

Regular Business

Correspondence

Payroll

Meeting Minutes

Updates from the Chair

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

Board Discussion - Conomo Point Committee

Board Discussion - Long Range Planning Committee Update

Board Discussion - Meeting with Board of Public Works scheduled on December 20, 2010 at 7:15 p.m. to discuss town planning as it relates to the sewer district

Board Discussion - Town Meeting 2011

Board Discussion – Meeting with Selectmen held on November 17, 2010

Board Discussion – New Business

Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on December 15, 2010 at the T.O.H.P. Burnham Library

10/13/2021

Cannot find minutes of Dec. 1, 2010

M. Stoney

MEETING MINUTES – ESSEX PLANNING BOARD – December 15, 2010

Attendees: Scottie Robinson (SR), Kim Drake (KD), Dexter Doane (DD), Bill French (BF), Andrew St. John (ASTJ) – Absentees: Westley Burnham, Jason Heath
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

The meeting was called to order at 7:36 p.m. and an announcement to the members of the public attending the meeting that the meeting was being recorded was made by Chair Kim Drake. The meeting was held at the T.O.H.P. Burnham Public Library.

Building Inspector's Report

54 Island Road, Essex Map 22, Lot 16C, Daniel Auditore

BS: This is to build a single family one bedroom, one bath with garage. It has the approval of the Board of Health, Conservation Commission, Fire Department/911, Wastewater/DPW and the curb cut was approved by the DPW. There is a maintenance agreement for the common driveway.

The Board reviewed the plans.

ASTJ: I move that we approve the siting of the building on 54 Island Road for Daniel Auditore finding that it meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

52 Island Road, Map 22, Lot 16B, Kim and Lena Noble

BS: This is for the siting of the dwelling as well and it's for Kim and Lena Noble to build a six bedroom single family home. The application has the approval of the Board of Health, the Con. Com. the Fire Department/911. We do have a copy of the maintenance agreement for the common driveway. The lot is approximately four acres.

The Board reviewed the plans. Kim Drake calculated that the footprint would be roughly 2,100 square feet. Scottie asked about the driveway and the applicant stated that it will not be paved.

SR: Motion to move to accept the siting plan of Kim and Lena Noble of 52 Island Road for a house and a garage finding that it meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

REGULAR BUSINESS

Chair Kim Drake discussed the Planning Board meeting with the Board of Public Works on Tuesday, December 21, 2010 at 44 Centennial Grove Road to discuss Town planning as it relates to the sewer districts.

Chair Kim Drake also discussed the upcoming Continuation of a Public Hearing for the Definitive Subdivision Plan Application for TBD Essex Park Drive and the fact that Town Counsel suggested that due to the fact the plan and application has been before the Planning Board for a few years that the applicant be required to produce an updated abutter's list certified by the Assessor, pay for new notices to be published in the local newspaper and on January 15th the applicant will be required to present everything that occurred in the past with the plan and the application as well as what was recently reviewed by the Conservation Commission.

Board Discussion Regarding the Conomo Point Zoning District Amendment proposal

The Board reviewed, discussed and made edits to the Conomo Point Zoning District Amendment. There were a few questions the Board brought forward and Kim Drake will contact the necessary parties to find out the answers.

Board Discussion regarding possible Downtown Initiatives

The Board discussed potential questions to discuss with the Board of Public Works at the meeting scheduled on Tuesday, December 21, 2010 at 7:15 p.m. at 44 Centennial Grove Road.

Meeting Minutes

A motion was made to approve the meeting minutes of November 17, 2010 as amended. The motion was seconded and approved unanimously.

A motion was made to approve the meeting minutes of October 20, 2010 as amended. The motion was seconded and approved unanimously.

A motion was made to approve the meeting minutes of November 3, 2010 as amended. The motion was seconded and approved unanimously.

OSRD Review

The Board decided that each Board Member will review the newest version of the OSRD with the edits from Mark Raciot, MAPC.

Community Preservation Committee

Member Scottie Robinson did not have any updates.

The Cottage Committee

There were no updates from the Committee Member, Scottie Robinson.

Long Range Planning Committee

Andrew St. John discussed with the Board the fact that the Long Range Planning Committee recently filed for a grant for a design study for the Town Landing. The committee also reviewed a proposal for three pocket parks.

Andrew St. John made a motion to adjourn the meeting at 10:10 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for January 5, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:

Mary-Ellen L. Feener, Secretary

Dexter Doane, Planning Board Co-Clerk

Agenda – December 21, 2011 – Town of Essex Planning Board

Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report *or Regular Business*

8:00 p.m. Regular Business

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – A Decision regarding the Southern Conomo Point Zoning District Definitive Plan Application
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn -

Next regular Planning Board Meeting will be on January 4, 2012 at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board – December 21, 2011

The Meeting was called to order at 7:35 p.m. by Chair, Westley Burnham and was held at the T.O.H.P Burnham Library. The Chair informed the Public the meeting was being recorded.

Attendees: Kimberly Drake (KD), Westley Burnham (WB), Dexter Doane (DD), Jason Heath (JH), Andrew St. John (ASTJ), Bill French (BF)
Absentee: Corey Jackson - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of December 7, 2011. Jason Heath made motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

Site Plan Review – Review of the Application – 159 Main Street

The Board reviewed the application and the plan. The Board also discussed the fact that the application was for a change of use from a business with an apartment to a single family dwelling. The Site Plan Review is scheduled for January 4, 2012. The Board secretary will contact the applicant.

Building Inspector's Report

BS: This is for the siting of a structure. The structure is a trailer. The applicant(s) is the Town of Essex. The Police Department is going to use the trailer to rest on stanchions. There will be water and sewer. The Department of Public Works will need to sign off on the Building Permit. The Department of Public Works will be the custodians of the structure due to the fact it will be Town property.

ASTJ: I move we approve the siting for the temporary trailer realizing it will be in place greater than one year. Finding it meets the Town of Essex bylaws and the approval is contingent on the approval by the DPW/Wastewater.

The motion was seconded and approved unanimously.

Southern Conomo Point Zoning District Subdivision Plan Application Decision

KD: I move that we honor the Town of Essex Board of Selectmen's request. The public hearing is scheduled to be held on January 4, 2012 at 8 p.m. at the T.O.H.P. Burnham Library.

The motion was seconded and approved unanimously.

Dexter Doane made a motion to adjourn the meeting at 8:25 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for January 4, 2012 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

Agenda - December 7, 2011 - Town of Essex Planning Board

Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report *or Regular Business*

8:00 p.m. Regular Business

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - A Decision regarding the Southern Conomo Point Zoning District Definitive Plan Application
- Board Discussion - Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn -

Next regular Planning Board Meeting will be on December 21, 2011 at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board – December 7, 2011

The meeting was called to order at 7:31 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. The Chair informed the Public the meeting was being recorded.

Attendees: Corey Jackson (CJ), Kimberly Drake (KD), Westley Burnham (WB), Dexter Doane (DD), Jason Heath (JH)

Absentee: Bill French, Andrew St. John - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

198 Western Avenue – Map 8 Lot 51 – Roberta Carter

BS: This is to renovate an existing three bedroom dwelling to a two bedroom dwelling and to add a 16 x 26 addition to existing with one bedroom, bath and seating area. The intent is to keep a three bedroom dwelling. This application has the approval of the DPW Wastewater, Con. Com. and Fire Department/911.

DD: I move we approve the plans for 198 Western Avenue owned by Roberta Carter, to renovate the existing three bedroom dwelling to have a 16 x 26 addition which will have one bedroom, a bath and a seating area and the dwelling will remain a three bedroom. This approval is finding it meets the requirements of the Town of Essex Bylaws and has the necessary approvals.

The motion was seconded and approved unanimously.

6 Eastern Avenue – Map 38 Lot 15 – Kenneth Amero

This is for a 6-4.2 finding for a new front door and to add a new landing over the old landing and tear down the front entrance.

KD: I make a motion to approve the Building Permit Application for 6 Eastern Avenue, Map 38 Lot 15 owned by Kenneth Amero to add a new front door and to build a new landing over the existing landing under a Town of Essex Bylaw 6-4.2 finding that the non-conformity is no more detrimental than the existing and the application has the required approvals from the Town of Essex.

The motion was seconded and approved unanimously.

Jason Heath asked to leave the meeting for a personal reason at 8 p.m. There was a quorum remaining and the Chair agreed.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of November 2, 2011. Kim Drake made motion to approve the Meeting Minutes as amended with the scrivener's errors corrected. The motion was seconded and approved unanimously.

Conomo Point Committee

Kim stated the Horsley Witten Group was hired by the Town to provide the necessary zoning and subdivision development for the northern area of Conomo Point. The recent Special Town Meeting approved a sum of \$60,000 for this effort.

Southern Conomo Point Zoning District Subdivision Plan Application Decision

Kim Drake: I vote we approve the Application for the Definitive Plan Subdivision with the waivers identified in the decision as written. The purpose of the waivers to be to normalize what currently exists.

I Dexter Doane, approve the modifications to Southern Conomo Point.

I Corey Jackson vote to approve the Southern Conomo Point subdivision plan the way it is drawn up.

I Westley Burnham move to approve the Southern Conomo Point subdivision plan under the modifications as outlined in the Definitive Plan Decision.

The Decision was approved unanimously by the Board and there was a quorum present.

Building Committee Update

Long Range Planning Committee

Community Preservation Committee

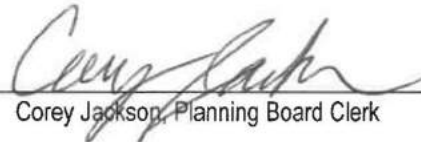
Corey Jackson made a motion to adjourn the meeting at 8:18 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for December 21, 2011 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

Agenda – November 16, 2011 – Town of Essex Planning Board Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 p.m. Building Inspector's Report *or Regular Business*

8:00 p.m. Regular Business

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Southern Conomo Point Definitive Plan Application
- Board Discussion – Review of Town Policies
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn -

Next regular Planning Board Meeting will be on December 7, 2011 and will be held at the

T.O.H.P. Burnham Library, 30 Martin Street, Essex

Meeting Minutes -Town of Essex Planning Board – November 16, 2011

The meeting was called to order at 7:38 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. The Chair informed the Public the meeting was being recorded.

Attendees: Andrew St. John (ASTJ), Corey Jackson (CJ), Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF), Jason Heath (JH) **Absentee:** Corey Jackson, Dexter Doane - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

23 Pickering Street Map 46 – Lot 37 Gordon Martin and Ann Cameron

BS: This application is for a two story addition which has the approval of DPW Wastewater and the Fire Department/911. There has been a verbal approval from the Con. Com. and the applicant will still need to have the Commission sign off on the Building Permit. This application also received a variance from the Town of Essex Board of Appeals on December 2, 2010 'from a side yard setback under Section 6-3.2.1 of the Essex Zoning By-Law for a 17-foot easement in order to render the addition legally permissible.'

The existing deck is becoming a one story addition. The deck was a pre-existing non-conforming use and will require a 6-4.2 due to the fact it is an extension of a pre-existing non-conforming use.

The Board reviewed the application and the plans.

KD: I move that we approve the building permit application for a two story addition for the property located at 23 Pickering Street, Ann Cameron and Gordon Martin with a 6-4.2 finding due to the fact that the proposed use is no more non-conforming than the existing use and that the application has the required approvals and that it meets the Town of Essex Bylaws. The Board also acknowledges that there was the approval by the Town of Essex Board of Appeals in December 2, 2010 for a 17-foot easement'.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of November 2, 2011. Andrew St. John made motion to approve the Meeting Minutes as amended. The motion was seconded and approved by a majority.

Board Discussion Regarding the Application for the Definitive Subdivision Plan for a Southern Conomo Point Zoning District

A citizen, Bruce Fortier of Southern Avenue, requested to present correspondence to the Board. Westley asked Bruce if that it was acceptable for the Board to accept correspondence from a citizen at this point of discussion following the closing of the Public Hearing. Bruce responded he believed it was acceptable since the letter was in response to a subject matter which was initiated at the Public Hearing. Bruce's letter was a response to the letter which was reviewed by the Board and shared with the public during the public hearing and the continuation of the public hearing which was written by Town Counsel, Kopelman and Paige, P.C.

The Board discussed the draft decision for the application.

Due to the continuous interruptions of Bruce Fortier he was asked to either leave the meeting or refrain from interrupting the Board discussion. Bruce chose to leave the meeting on his own accord.

The Board continued discussing the SCPZD Definitive Plan Application and a decision.

Town Meeting 2012

It was decided that the Board would review the definitions in the Chapter VI Bylaw individually at their leisure and then at a future meeting begin discussing the definitions and what may be proposed as potential warrant articles at Town Meeting 2012.

Jason Heath made a motion to adjourn the meeting at 9:21 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for December 7, 2011 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

Agenda – November 2, 2011 – Town of Essex Planning Board Draft

To be held at the Essex Elementary School, 12 Story St., Essex MA

- 7:30 p.m. Building Inspector's Report *or Regular Business*
- 7:45 p.m. Continuation of the Public Hearing for a Definitive Plan Application for TBD Essex Park Drive, the Applicant is the Apple Street Nominee Trust *or Regular Business*
- 8:00 p.m. Public Hearing for a Definitive Plan Application for Southern Conomo Point Zoning District, the Applicant is the Town of Essex Board of Selectmen *or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn -

Next regular Planning Board Meeting will be on November 16, 2011-Location T.B.D.

Agenda – November 2, 2011 – Town of Essex Planning Board

Draft

To be held at the Essex Elementary School, 12 Story St., Essex MA

- 7:30 p.m. Building Inspector's Report *or Regular Business*
- 7:45 p.m. Continuation of the Public Hearing for a Definitive Plan Application for TBD Essex Park Drive, the Applicant is the Apple Street Nominee Trust *or Regular Business*
- 8:00 p.m. Continuation of the Public Hearing for a Definitive Plan Application for Southern Conomo Point Zoning District, the Applicant is the Town of Essex Board of Selectmen *or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn -

Next regular Planning Board Meeting will be on November 16, 2011-Location T.B.D.

Meeting Minutes -Town of Essex Planning Board – November 2, 2011

The meeting was called to order at 7:34 p.m. by Chair, Westley Burnham and was held at the Essex Elementary School. The Chair informed the Public the meeting was being recorded.

Attendees: Andrew St. John (ASTJ), Corey Jackson (CJ), Kimberly Drake (KD), Westley Burnham (WB), Dexter Doane (DD), Jason Heath (JH) **Absentee:** Bill French - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any application(s) which required review or approval by the Planning Board.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of October 19, 2011. Kim Drake made motion to approve the Meeting Minutes as amended with the scrivener's errors corrected. The motion was seconded and approved unanimously.

Board Discussion Lowe Hill Road

The Chair, Westley Burnham, shared with the Board the contents of an email he had received from the Town Administrator on October 4, 2011 regarding the Selectmen's intention to lay out Lowe Hill Road as a Town way. The Planning Board had been given 45 days to make a non-binding recommendation, if it so desires. Westley also explained that the email stated that the Selectmen's vote required that all costs associated with the process be borne by the petitioners.

The Board reviewed the 1987 Planning Board recommendations for the Preliminary Plan Application and the 1988 Planning Board decision regarding the Definitive Plan Application.

The Board did not have any concerns regarding intention of the Selectmen to lay out the road as a Town way and it was unanimously agreed that the Chair would write a letter addressed to the Town Administrator and the Selectmen which would state that there were no concerns.

Continuation of a Public Hearing -Definitive Subdivision Plan Application for TBD Essex Park Drive

Attorney Orestes 'Rus' Brown (RB) and Attorney Dan Bailey (DB) of Rackemann, Sawyer & Brewster, present on behalf of the applicant, Apple Street Nominee Trust

The Chair, Westley Burnham, opened the Continuation of the Public Hearing for the Definitive Subdivision Plan Application for TBD Essex Park Drive at 7:45 p.m.

Attorneys Brown and Bailey discussed the position of the applicants and requested a Continuation of the Public Hearing.

The history of the Definitive Subdivision Application and Plan since it was originally presented to the Board in 2008 was discussed by Attorney Brown and the Board.

Westley Burnham stated he would be willing to agree to one more extension with the following provision:

1. The applicant to provide an updated plan*
2. Redistribute the notice to the other Committees and Boards for their input on an updated plan*
3. Republish the Public Hearing Notice as required by Mass General Law*
4. Re-Notify the abutters*

*All costs be incurred by the applicant

Kim Drake stated she agreed with Westley and she reminded the rest of the Board that Town Counsel had stated that a continuation with Board Members who were not members of the Board since the Application was first submitted in 2008 would be acceptable as long as those Board Members were revised on the history of the Application and as long as the notices were republished and the abutters re-notified.

ASTJ: I move that we continue the Public Hearing to March 21, 2012 at 8 p.m. with the provisions as stated by Westley.

The motion was seconded and approved by a majority.

Continuation of a Public Hearing - Definitive Subdivision Plan for a Southern Conomo Point Zoning District

Applicant is the Town of Essex Board of Selectmen

The Chair, Westley Burnham re-opened the Public Hearing at 8:02 p.m. He then verified that a quorum was present and he read the Preamble to the public.

Westley shared a brief synopsis of the written comments from the Police Department, the Fire Department, The Conservation Commission, the Board of Health, the Department of Public Works and the Board of Selectmen which for a Definitive Plan Application are required by the Town of Essex Subdivision Rules and Regulation to be given to the Planning Board.

Westley did state that Attorney John Goldrosen of Counsel, Kopelman and Paige, P.C., had written a letter to the Planning Board which stated that the Planning Board could waive the width of a road according to the Town of Essex Subdivision Rules. A copy of the letter will be attached to these meeting minutes.

Bruce Fortier was allowed a moment during the meeting to read the letter. He said the letter stated that the Board may waive the road requirements according to the Subdivision Rules and Regulations but that the letter did not say that the Board may waive the road requirements due to Massachusetts General Law.

Bruce Fortier, 186 Southern Avenue, brought copies of past two studies completed for the Town of Essex Department of Public Works and Planning Board regarding ways and roads. Copies of which will be attached to the meeting minutes and copies will be filed in the Planning Board file folder for this application.

Bruce then requested the opportunity to read a statement which the Board allowed. A copy of the letter will be attached to the meeting minutes.

Jeff Jones, 23 Choate Street, Applicant/Board of Selectmen Member, stated the long tirade by the previous citizen was the opinion of one person.

JH: I make a motion we terminate the Public Hearing for the Definitive Plan Application for the Southern Conomo Point Zoning District.

The motion was seconded and approved unanimously.

Centennial Grove Committee

Jason Heath volunteered to join this Committee and the Secretary will contact the Town Clerk.

Building Committee Update

Westley reported that the Building Committee met on November 1, 2011. The Committee Members agreed that they would suggest that a Warrant Article be presented at the upcoming Town Meeting so the Town would have the opportunity to purchase the Lahey Building located on Western Avenue which is currently for sale. The intent of purchasing the Lahey Building is so it may be used as the future site of the Town Administration Offices.

Long Range Planning Committee

Andrew shared with the Board that the Long Range Planning Committee has not recently met but that it is scheduled to meet on Wednesday, November 9, 2011.

Community Preservation Committee

Kim stated the Community Preservation Committee met on October 24, 2011. The Committee Members decided not to recommend the purchase of the 'old railroad property'. The Committee Members did agree that they will suggest that the Town purchase a parcel of land on Laurel Lane for Open Space and to use funds to repair numerous items at the local cemetery. The suggestions will be presented as one Warrant Article at a future Town Meeting.

Conomo Point Committee

Kim stated that the Conomo Point Committee will be meeting tomorrow evening, Thursday, November 3, 2011 and that they will be requesting funds for a Consultant at the upcoming Town Meeting. The purpose of hiring such a Consultant will be to assist with the work involved with deciding what the Committee will propose for the Northern Section of Conomo Point.

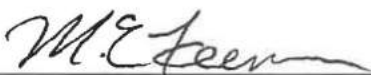
ANR Application – 83 & 85 Choate Street – Richard Salter c/o Meridian Associates

The Applicant requested that a new Mylar be signed due to the fact the quality of the original Mylar signed at the last regularly scheduled meeting of the Planning Board was not acceptable for the Registry of Deeds to file. The Board reviewed the original plan and concluded the new Mylar was a copy of the original plan and signed the new Mylar.

Corey Jackson made a motion to adjourn the meeting at 8:52 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for November 16, 2011 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

File Copy

Mary-Ellen Feener

From: <Anandprita@aol.com>
To: <planningboard@essexma.org>
Sent: Saturday, October 29, 2011 8:52 PM
Subject: Re: (no subject)

To The Planning Board

I am sorry that I misunderstood the letter dated July 25 concerning southern Conomo Point. I thought it was being proposed that 43 additional units were being considered on top of the existing 42 units.

I am in favor of selling some of this land. I am not in favor of making a backroad along the marsh



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

November 1, 2011

John Goldrosen
jgoldrosen@k-plaw.com

Planning Board
Essex Town Hall
30 Martin Street
Essex, MA 01929

Re: Southern Conomo Point District – Width of Rights of Way for Proposed Streets

Dear Members of the Planning Board:

You have requested an opinion concerning the width of the rights of way (“ROW”) for streets within the proposed Southern Conomo Point subdivision (“Subdivision”). As shown on the current proposed definitive plan for the Subdivision, the ROW of the Subdivision streets will be 30 feet wide, with the exception of Conomo Point Road, which will have a 50-foot-wide ROW. You have asked (i) whether the Planning Board may approve a waiver for the Subdivision from the Board’s Subdivision Rules and Regulations (“Regulations”), which require a minimum ROW of 44 feet for subdivision roads, and (ii) assuming that a waiver is granted and the Subdivision is approved, whether the lots thereby created will require a variance from the requirements of the Town Zoning Bylaw (“Bylaw”), based on the following definition of “Street” in Section 6-2.2 of the Bylaw:

“A public thoroughfare 30 feet or more in width established or maintained under public authority or a recorded way plotted and laid out for public use and which affords principle [sic] means of access to abutting property.
No new street shall be less than 44 feet in width.”

In my opinion, the Planning Board has discretion to grant a waiver from the Regulations to allow a ROW of 30 feet for the streets within the Subdivision, under the Subdivision Control Law, G.L. c. 41, §81R. Further, it is my opinion that, under the recently-adopted zoning provisions for the Southern Conomo Point Zoning District, inserted in the Bylaw as Section 6-11 (“District Regulations”), the lots within the Subdivision will be legally nonconforming lots and will not require a variance from the definition of “street” in the Bylaw.

1. Waiver from Subdivision Regulations

Section 1.03 of the Regulations allows the Planning Board to waive “strict compliance” with the requirements of the Regulations when, in the Board’s judgment, “such action is in the public interest and not inconsistent with the Subdivision Control Law[.]” This is based on the provision for waivers in G.L. c. 41, §81R: “A planning board may in any particular case, where such action is in

Planning Board
November 1, 2011
Page 2

the public interest and not inconsistent with the intent and purpose of the subdivision control law, waive strict compliance with its rules and regulations[.]”

Section 7.02(4)(a)(1) of the Regulations specifies a minimum ROW width of 44 feet for streets. Therefore, the approval of the Subdivision plan would require a waiver from this section of the Regulations. Numerous court cases have held that a planning board has broad discretion to grant waivers from subdivision regulations on the basis of the public interest.

2. Effect of the Definition of “Street” in the Zoning Bylaw

Zoning bylaws and subdivision regulations are based on separate statutes, and have independent force. In my opinion, a provision in a zoning bylaw cannot prevent a planning board from exercising its authority under the Subdivision Control Law, G.L. c. 41, §81M, to regulate “the laying out and construction of ways in subdivisions providing access to the several lots therein[.]” Conversely, the approval of a subdivision plan does not exempt the lots shown on the plan from compliance with zoning requirements.¹

Nonetheless, it is my opinion that, if the Plan is approved with street ROW widths of 30 feet, the lots shown on the Plan will comply with the Bylaw and will not require a variance. The clearly-expressed intent of the District Regulations, as approved by the 2011 Annual Town Meeting, is to allow lots to be created within the Southern Conomo Point Zoning District that reflect the existing development of the District, and for those lots to have the status of lawful nonconforming lots, notwithstanding other provisions of the Bylaw, in my opinion.

The stated purpose of the District Regulations is “to facilitate the subdivision of the previously developed area south of Robbins Island Road while minimizing disruption to the existing historical building configuration.” (Section 6-11.1). Similarly, Section 6-11.6 (“Dimensional and Density Regulations”) states, at Section 6-11.6(B): “This Section contemplates that new lots will be created through a subdivision to accommodate the principal and accessory buildings or structures in the [District] existing at the time of adoption of this Section.” The dimensional regulations in Table 1, including those for minimum lot size and front yard setback, are based on that presumption.

Further, it is my understanding that the proposed 30-foot ROW for the internal Subdivision streets was shown on the District zoning map that was available at the Planning Board’s hearing and

¹ Zoning bylaws regulate the use of lots and structures by dimensional requirements and use restrictions. In my opinion, a zoning bylaw cannot restrict a planning board’s authority to approve subdivision ways, or the authority of a municipality to lay out and accept public ways under G.L. c. 82, §§17-32. However, a definition of “street” in a zoning bylaw might indirectly affect whether lots are buildable, if the bylaw establishes a minimum lot frontage requirement and requires that a lot’s frontage must be on a way that meets the zoning bylaw’s definition of “street.”

Planning Board
November 1, 2011
Page 3

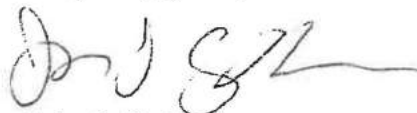
submitted to Town Meeting, and that was provided to the Attorney General as part of the process for approving the District Regulations. The map indicates that, when Town Meeting approved the District Regulations, it understood that the internal Subdivision road ROW's would be 30 feet wide, notwithstanding the definition of "street" in the Bylaw.

Section 6-11.6(C) provides that the Subdivision lots and the existing buildings and structures on those lots are to be "deemed to be lawful nonconforming lots and lawfully existing nonconforming buildings or structures" (notwithstanding that the Subdivision plan will have been approved and recorded subsequent to the adoption of the District Regulations). Requiring that all of these lots obtain a variance from the definition of "street" in the Bylaw in order to be legal lots would be in conflict with this provision and inconsistent with the purpose of the District Regulations and the intent of Town Meeting, in my opinion. Indeed, the result would be to negate the intended outcome of Section 6-11.6(C). Appellate courts have held that lots and structures that are allowed by a variance are legal but are not nonconforming, and such lots and structures are subject to greater restrictions and enjoy fewer protections than nonconforming lots and structures. Therefore, if a variance were required for all the lots in the District with frontage on streets with a ROW of 30 feet, those lots would not attain the status of nonconforming lots, contrary to the intent of Section 6-11.6(C).

In summary, given that (i) the District Regulations do not impose a street-width requirement, (ii) the stated purpose of the District Regulations is to regularize the existing development pattern and provide lawful nonconforming status to the resulting lots and the structures, and (iii) Town Meeting was made aware of the proposed 30-foot width for the subdivision road ROWs, it is my opinion that the District streets are not required to have a 44-foot ROW.

Please feel free to contact me with any further questions concerning this matter.

Very truly yours,



John J. Goldrosen

JJG/eon
cc: Board of Selectmen
436545/ESEX/9999

November 2, 2011

To: Essex Planning Board
From: Bruce Fortier
186 Southern Avenue
Essex, MA 01929
(978) 768-7881

*Rec'd @ Pub. Hearing
11/2/11*

The Town of Essex's property at Conomo Point is presently a single, undivided parcel. The Town Meeting, at the urging of the Selectmen, has voted to establish a zoning district which encompasses a part of the town-owned parcel. There has been no vote by the Town to actually subdivide or sell any portion of its land, but there have been funds appropriated to prepare a subdivision plan. The selectmen are taking advantage of their legal power, a power which most voters are not aware of, to subdivide the land with no further vote by the townspeople. A vote to sell any new lots would still be required.

The first sentence of State Chapter 41, Section 81M, states that "The subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns...by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways,.."

Section 81L Definitions states that "the division of a tract of land into two or more lots shall not be deemed a subdivision.. if...every lot within the tract so divided have frontage on" three categories of pre-existing ways.

Section 81P provides for a finding by the Planning Board that a proposed division of land is not subject to subdivision rules or laws because the frontage requirements of Section 81L are met.

Section 81U states that "Before endorsement of its approval of a plan, a planning board shall require that the construction of ways and the installation of municipal services be secured... by one of the methods described in the following clauses..." Clearly, the central purpose of the Subdivision Control Law is,

as it states, "...for the provision of adequate access to all the lots in a subdivision by ways that will be safe and convenient..." and "...for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and similar municipal equipment, and street lighting and other requirements...". The primary goal is to protect future purchasers of lots in a subdivision from inadequate roads.

The protection of the interests of future purchasers of lots, who are for the most part captive in this case, has been brushed aside and instead every possible waiver which would maximise the developer's short-term profits have been granted. No improvements at all are to be required of a system of drive-ways constructed fifty years ago to provide access to what were, by Town Bylaw, summer cottages. We are looking at an inherently corrupt process in which the Town is the Applicant and is reviewing its own application. The Applicant's (Selectmen's) attorney is hardly an impartial advisor to the Planning Board. The law firm of Kopelman and Paige stands to make a considerable sum in the course of over forty real estate transactions as a result of this subdivision.

At the conclusion of the first session of this hearing (Oct. 19) the only issue was the failure to meet the 44' road width requirement of the Zoning Law. The applicant's engineer stated at the hearing that he could redraw the plan to meet the requirement. The applicant has had two weeks to do so. The intelligent thing would have been for the Selectmen to appear tonight with a redrawn plan.

It can be anticipated that the Selectmen might instead deem it clever to argue that the word 'new' in the zoning law doesn't apply to their subdivision because they suppose their proposed roads to be pre-existing. The Selectmen seem to regard Law as some sort of smorgasborg where they can take some laws from the Subdivision section and then, when they see some tasty law in the Approval Not Required section, put that on the mix in their plate. As pointed out in the first two paragraphs of this Statement, the Subdivision Control Law is clear on its face

that a subdivision deals with ways which have not become public ways and that if there is frontage on existing ways it is not a subdivision. The Applicant keeps trying to evade the fact that this is a hearing on a subdivision, not an Approval Not Required request. There is no legal basis in the idea that there could be a Subdivision in which all the roads are ANR. The Selectmen do not appear to comprehend that arguments for pre-existing ways are actually arguments against their own Subdivision Plan.

There are numerous reasons why the wholly internal driveways on the Town's single parcel of land at Conomo Point are not ways. Attached as part of this Statement are two studies of the legal issues regarding ways. One is a Memorandum of Law prepared by attorney Alexandra Dawson of the Conservation Law Foundation for the Planning Board. The second is a study of the procedures for the layout, alteration and relocation of public ways prepared for the Board of Selectmen by the DPW Commissioners. Both reports have extensive references to statutes and case law.

A recurrent theme in both reports is that the courts have repeatedly found that a town's failure to strictly follow legal requirements invalidates any action regarding ways. An example would be a vote to accept a way without first having met the requirements for completing a layout and by failing afterward to place required markers of the exterior lines.

There are a great many sections in state law regarding ways, most of which have been ignored in Essex. Chapter 82 Sections 21, 22, 23, and 32 are examples. Section 32 requires that layouts must be recorded in a book kept for that purpose. Layouts have to establish the exterior lines of ways. Under Chapter 41 Section 81Y a 2/3's Town Meeting vote can accept a public way, but the layout process must have been accomplished first. Chapter 86, Section 1 requires the Selectmen to cause permanent bounds (stone or concrete posts) to be erected at the termini and angles of all ways laid out by them.

Chapter 41 Section 81E authorizes a town to adopt an official map showing public ways, existing private ways, and subdivision ways. Essex has not yet done so. Only the ways shown on the map

can be used to meet access requirements. What is significant to the present matter before the board is the State requirement that, to be on the map, a pre-existing way must be used in common by more than two owners. This law would not allow the driveways at Conomo Point to be placed on the map because they serve only one owner- the Town of Essex.

I note the mistaken use of the term "right of way" in the Planning Board's July 20, 2011 waiver list. The key word in the term is 'right', not 'way'. A right of way is a right of passage over another's property, as when someone sells his property but retains a right to cross it. It is not a way at all, and has no physical existence, which is the reason that frontage cannot be claimed on a right of way. In the deed granting the right there is customarily a description of the boundaries within which the right can be exercised. A right of way (or an easement) does not give any ownership.

The Applicant has placed the Planning Board in a position where its members have no real choice but to disapprove the Subdivision Plan because the exterior lines of its roads do not meet the Essex Zoning Law's 44' requirement.

Having disapproved the Subdivision Plan, it would be best if the Planning Board just stepped back and waited for the Applicant to finish arguing with itself. Once that internal argument over the Subdivision v. ANR was resolved the Applicant has all manner of options. It could get a variance from the zoning requirement or get a change in the zoning law. The Town was free to write its zoning law for the new district to fit its subdivision plan, and is free to change the zoning law to fit it still. The decision on where to go from here is entirely up to the Applicant and not any responsibility of the Planning Board.

The present proceedings are notable for the lack of documentation. Oral, self-serving assertions of alleged facts are merely fleeting sonic vibrations in the atmosphere. Should the Applicant return with ANR arguments I would hope that the Applicant be required to meet its Burden of Proof with substance.

DEPARTMENT of PUBLIC WORKS



TOWN HALL, MARTIN STREET, ESSEX, MASS. 01929

File Copy
Introduced 11-2-11

Rec'd
of Public Hearing
Nov 2, 2011
WJ

April 6, 1978

Board of Selectmen
Town of Essex
Essex, Massachusetts 01929

Gentlemen:

The Department of Public Works has completed a study of the procedures for the layout, alteration and relocation of public ways. At the outset, we are obliged to point out to you that we have not submitted our conclusions to Town Council for verification; however, they are completely consistent with published findings of the Massachusetts Federation of Planning Boards (MFPB). We feel, at the present time, that the decision to refer them to Town Council should lie in your hands.

To start with, we must define some terms:

1. A layout is a plan by the Selectmen of an entirely new way.
2. An alteration is a change planned by the Selectmen or Department of Public Works in an existing way, for example, a widening or straightening of the pavement.
3. A relocation is a major realignment of the center-line of an existing way planned by the Selectmen or the Department of Public Works.

State law requires that certain procedures be followed for the laying out, alteration or relocation of public ways (see appendix A). These procedures are mandatory so that any defect in the process makes the action null and void. The process can

be broken down into four phases.

Phase I (Steps 1-7). The Selectmen layout, alter or relocate the town way. This is done entirely on paper.

Phase II (Step 8). The town votes to accept the Selectmen's layout, alteration or relocation and appropriates any required funds.

Phase III (Steps 9-10). The Selectmen acquire any needed land (or rights) and document their action.

Phase IV (Step 11). The Department of Public Works carries out the necessary construction, thus establishing the Selectmen's layout, alteration or relocation.

We believe that strict adherence to these procedures is in the best interest of the town.

We hope that you will find this brief report useful and we look forward to continuing to work with you for the better service of our community.

Sincerely,

Essex Department of Public Works

cc: Chairman, Planning Board
Town Moderator, Samuel Hoar
Chairman, Finance Committee

rs
Enclosures

Appendix A

Procedures for the Layout, Alteration, Relocation and Acceptance of Public Ways

Step 1 Upon petition or upon their own initiative, the Selectmen consider the laying out, alteration or relocation of a public way (C. 82 § 21). This consideration becomes a matter of public record through an official vote of the Board (C. 39 § 23B).

Step 2 The proposed laying out, relocation or alteration is referred to the Planning Board for its (nonbinding) recommendation. The Planning Board has 45 days to submit its report. If it fails to report within this time, the proceedings continue (C. 41 § 811). Note that this provision holds for any agency which wishes to lay-out, alter or relocate a way, i.e., county commissioners or state Department of Public Works.

Step 3 A formal determination to layout, alter or relocate the way must be made by the Selectmen by a vote which appears in the record (C. 39 § 23B).

Step 4 At least seven days prior to their final action, the Selectmen must give written notice of their intention to layout, alter or relocate a public way to the owners of any land to be taken for such purposes (C. 82 § 22), (i.e., they give notice to all abutters).

Step 5 The way is laid out, altered or relocated by the Selectmen by formal vote specifying by courses and distances the location of the way. Note that the laying out, alteration or relocation is a paper, rather than a physical activity. The next steps effect the

establishment of the way which has been laid out, altered or re-located by the Selectmen.

Step 6 The Selectmen file the layout, alteration or relocation with appropriate boundaries and measurements, in the office of the Town Clerk (C. 82 § 23).

Step 7 The Selectmen place a proper article on the Warrant to see if the town will vote (a) to accent the layout, alteration or relocation of the way as described in the plan on file with the Town Clerk and (b) to appropriate funds for both acquisition and construction. Note that the article should specify whether the road being laid out is to become a town or a private way (both are public ways in Massachusetts) ..

Step 8 No less than seven days after Step 6, the layout, alteration or relocation is accepted by the town at a town meeting (C. 82 § 23) and the necessary funds are appropriated (C. 40 § 5(4)). If funds are to be borrowed, a 2/3 vote is required.

Step 9 Within 30 days of town meeting acceptance, the Selectmen must acquire any necessary land by purchase or otherwise or adopt an order of taking of such land by eminent domain (C. 82 § 24). Wherefore, action by the Selectmen can range from legal acceptance of a town right of way to the adoption of an order of taking. The Massachusetts Federation of Planning Boards recommends acquisition of the title in fee, and further, that the fee be taken by eminent domain in every case, as the eminent domain law cures all defects

in the title. The reader is referred to C. 79 and C. 80A for proceedings under eminent domain. Two relevant examples are (a) an order of taking must be recorded in the Registry of Deeds within thirty days after its adoption by the Selectmen, (b) a certificate of entry and possession must be recorded within two years after the date of the order of taking, and (c) notice should be given to every person whose property has been taken or who otherwise may be entitled to damages (i.e., all abutters).

Step 10 The manner in which a way has been laid out, altered or relocated and a description of the location and bounds thereof shall be filed by the Selectmen with the Town Clerk and recorded by him in a book kept for that purpose (C. 82 § 32).

Step 11 The Department of Public Works establishes the approved layout, alteration or relocation of the public way.

Prepared by:

Gardner A. Patch, Commissioner
Essex Department of Public Works

File Copy

Mr. William Holten
Chair, Essex Planning Bd
2 Maple St
Essex MA 01929

12/2

Public Hearing
Dec 2, 2011
NB

Dear Mr. Holten,

Enclosed please find the
Memorandum of Law which
you requested at your
meeting in November.

I hope it will be useful
to your board or anyone
else you would care to
pass it on to.

Sincerely
Alexandra Dawson Esq
2 West St
Hadley
MA 01035

413-586-5586

TO: ESSEX PLANNING BOARD

FROM: ALEXANDRA D. DAWSON, ESQ.

RE: LEGAL STATUS OF ESSEX ROADS

1. Creation of Public Ways

A. It is evident from the conversation at the meeting of Nov. 16 and previous sessions that (a) virtually none of your roads has been laid out and accepted by the town meeting in strict accordance with Ch. 82 of the General Laws; (b) town money has historically been spent on the maintenance, plowing and sometimes widening of these ways; and (c) the bounds of most of the ways, whether public or private, have not been ascertained.

B. These "unaccepted" ways are still private ways, unless they have achieved the status of public ways in one of two ways: they were dedicated and accepted as public ways before 1846; or they were used continuously by the public for over twenty years and this fact has been proven in court action (prescriptive use). Evidence may be available in town or county records, registry plans, etc. to determine whether old ways were laid out or used in these ways, and what the bounds (or at least the width) of such ways are. Proving that a way has become public by prescriptive use would require court action; the bounds will necessarily be limited to the portion that the public used--the traveled way, plus presumably the shoulders and drainage.

The Massachusetts courts have recently taken a very hard line about the statutory procedure for laying out public ways: it is not a mere bureaucratic process; compliance with every step is essential, or the layout process is invalid. See *Loriol v. Keene*, 343 Mass 358, *Casagrande v. Town Clerk of Harvard*, 377 Mass. 703 (1979), *Fenn v. Town of Middleborough*, 7 Mass. App. 80 (1979). Although evidence is mounting that town after town virtually lacks any provably public roads other than state/county highways, the courts show no disposition to give an inch on the requirements of ch.82.

C. In the long run, it may prove simpler, where certainty is desired, for the town or county to survey and lay out ways as public ways under G.L. ch. 82. However, this must be done in strict adherence to the provisions of the eminent domain law, G.L. ch. 79, including notice to all persons who may be entitled to damages, since under this corrective layout process the town or county has no way of really knowing where the original bounds of the ways being made public might have been.

2. What would be the benefits of laying out public ways?

A. Town and state money could legally be spent on their repair, maintenance and reconstruction (within the agreed right of way) without further votes of town meeting and without danger of legal action such as taxpayers' suits against use of public funds.

B. Landowners would know the bounds of their property and would not encroach on the ways--or vice versa. They would be assured of future maintenance and relieved of future liabilities for accidents.

C. The public would be assured of continued use of the ways. A private way is in essence a driveway. Public use of a private way can be terminated at will by the agreement of the landowners along it (see *W.D. Cows Inc. v. Woickoski*, 385 N.E. 2d 521 (1979)). Any improvements in a private way, however much desired by the public (or most of the abutters) must also be approved by all of the landowners along a private way. In some cases, a single landowner through whose property a private way passes may even be able to bar off and discontinue the way altogether.

3. What are the particular concerns of planning boards in ways?

A. A proposal for subdivision of land frequently involves the question of whether the landowner is exempt from your controls because his lots will have frontage on a way certified by the town clerk as "maintained and used as a public way." If the way is not so certifiable, you may still decide the way is adequate; but at least there is no exemption as of right.

The clerk's certification that the way is so used and maintained must be based on something more than mere regular public use or maintenance, since many private ways are both used and maintained by the towns. In the *Casagrande* case, the way had been publically maintained for at least fifty years; but this did not make it a public way.

B. The planning board must be given 45 days' chance to recommend action on any proposed new town public way, under G.L.ch.41,s.81I. It may establish exterior lines to public ways under s. 81J. And if the town adopts an "official map" of its public ways under ch.41, s. 81E, all new ways will require the planning board's approval of grading, surfacing and drainage (ch. 41, s. 81G).

4. What should the board do to discharge its obligations and avoid liabilities under present circumstances?

A. The board should adopt regulations, or at least written policy, establishing the criteria it will consider (if not actual standards) in reviewing the adequacy of nonpublic ways when subdividers apply for "subdivision approval not required" status. This should be

done regardless of any further moves, because without any such policy adopted by the board, the board risks being deemed arbitrary and capricious if it stamps one proposed subdivision plan on a nonaccepted way "ANR" and refuses to do the same for another landowner similarly situated on that or another unaccepted way. Criteria could include length, other access, slopes, visibility, etc.--all the sorts of things discussed in your present subdivision regulations although you would not necessarily be applying the subdivision road standards. You might like to look at the standards to which your older unaccepted publically used ways were constructed.

B. I would recommend a planning board regulation, or at least written policy, expressing the principle that, if an applicant before you wishes to obtain an "ANR" approval based on the public-way exemption, that applicant must satisfy the planning board that the way is a public way under the law. Of course, this is inherent in the requirement that the town clerk certify it is so used and maintained; but in your circumstances you may wish to go on record as not "knowing" that any ways in your town are public (except of course state/county ways).

C. The board should consider recommending that the town meeting vote as to which unaccepted ways it will clear of snow, under the provisions of ch. 40, s. 6C and which it will temporarily repair within the existing traveled bounds (ch. 40, s. 6N). The town meeting vote will insure the legality of spending public money and can also be used to prevent the town from being liable, if it does not wish to be, for accidents on ways which are not public ways but which it does maintain. If reconstruction of a private way requires public money, ch. 40, s. 5 seems to permit the town to pay some or all of the cost of the work under subsection (68). If the concern is that the state may withhold "chapter 90" funds from the town if the town admits its roads are not accepted ways, then the warrant article, and the motion thereunder, could contain the following "sanitary" language:

Whereas the status of some or all of the town's ways is not now clear, and whereas the town wishes to maintain/ temporarily repair these roads until such time as their status as public or private ways is clarified, it is voted...

D. The planning board should recommend for designation as scenic roads all ways, public or private, as to which it expects to see development and widening which could destroy scenic walls or trees. The statute does not require that the ways be accepted. This will insure continued planning board jurisdiction to preserve the quality of life and the property values in your fine rural community.



ESSEX CONSERVATION COMMISSION

30 Martin Street, Essex MA 01929

Telephone: 978-768-2509

Email: conservation@essexma.org

MEMORANDUM

TO: Planning Board

DATE: October 18, 2011

RE: Southern Conomo Point Zoning District Definitive Subdivision Plan Application

The Conservation Commission reviewed the Subdivision Plan submitted for the southern portion of Conomo Point on October 4. The Commission offers the following for comments:

1. The Commission notes at the outset that the Commission has no authority to waive any requirements of the Wetlands Protection Act, nor does any other entity in Town.
2. Currently the plan shows no formal wetland delineation. This will need to be added to any future plans filed with the Commission, and the delineation needs to be approved by the Commission.
3. Any work proposed pursuant to this plan that is within the jurisdiction of the Wetlands Protection Act will require the filing of a Notice of Intent, public hearing and the issuance of an Order of Conditions prior to commencement of work. The Commission notes, for example, that The Plan indicates that more than one road may be widened. Drainage and pitch information would have to be provided to the Commission, in a Notice of Intent, for all new roads, or the widening of existing roads, within the jurisdiction of the Wetlands Protection Act.
4. The Plan references flood zone information obtained from FEMA but this is not on the plan.
5. There is a "Zoning Line" which appears to indicate the delineation between seasonal cottages and single family homes, is this correct.
6. Cogswell Road is marked simply "right of way", while all other roads are marked "proposed right of way", does this indicate that Cogswell Road is already a right of way and the other roads will become rights of way when the Plan is approved.
7. Has the Planning Board defined "general municipal uses" for Parcels A and B.
8. The Commission noted the subdivision waivers requested on the Plan and wants to confirm that these are local zoning by-law waivers.

Thank you for your consideration of these comments.

ESSEX CONSERVATION COMMISSION

Mary-Ellen Feener

From: "Peter Silva" <psilva@essexma.org>
To: "Mary-Ellen Feener" <planningboard@essexma.org>
Sent: Tuesday, October 18, 2011 3:36 PM
Subject: Re: Southern Conomo Point Zoning District

Mary-Ellen,

Thank you for your reminder. I have actually spent some time walking this area as well as viewing this area with the fire Chief. I see a couple of issues that are of concern to me from the police side of things. My concerns are that the width of the road/common drive in to the location where the houses are located is not very wide. On a dry fair weather day, police vehicles can enter and exit this road without too much difficulty. During inclement weather such as during snow fall, I suggest to your board that build up of snow on either side of the road may pose certain challenges to responders traveling down that road. Regardless of the weather conditions, once emergency vehicles get to the end of the drive, the inability to turn a cruiser around without difficulty became quite obvious due to the narrow area where the road terminates. If another cruiser, or emergency responder vehicle is added to the response, the road width will not permit more than one vehicle passage without the second giving way to the first. I have concerns that an ambulance or fire apparatus would exacerbate this condition due to their size and width.

I visited this area during limited light conditions. I would also mention that the lighting is quite poor, which contributes to the difficulty locating the few homes that are off of this road. This could easily be addressed with additional illumination, accompanied by dedicated house numbering in more visible areas. Foliage restricts visibility of house numbers to some houses. Our department is currently working on a house numbering program which hopefully will provide some relief to this problem.

I have been a member of the police department since 1988. During this time I can say that the call volume to this location is extremely low.

If I can be of any further help to your board, please let me know. Thank you in advance.

Peter Silva
Essex Police Chief

From: Mary-Ellen Feener
Sent: Tuesday, October 18, 2011 2:21 PM
To: peter.g. silva
Subject: Southern Conomo Point Zoning District

Hello Chief Silva,

This is just a friendly reminder that the Planning Board is going to begin the Public Hearing for the Southern Conomo Point Zoning District Definitive Plan Application tomorrow evening and the Board had asked your department for any comments and if you have no comment to let us know that as well.

You may email your comments or leave them at Town Hall during regular business hours (the Planning Board's mail box

is located directly across from the Town Clerk's office on the first floor).

All the best and thank you,

Mary-Ellen Feener
Secretary, Essex Planning Board
Mary-Ellen Feener
Town of Essex
Planning Board Secretary
www.essexma.org
978-768-7663
planningboard@essexma.org

Emails to and from government officials are considered public records.

Mary-Ellen Feener

From: "Brendhan Zubricki" <bzubricki@essexma.org>
To: "Westley Burnham" <w_burnham@comcast.net>
Cc: "Essex Planning Board" <planningboard@essexma.org>
Sent: Tuesday, October 04, 2011 8:58 AM
Subject: Comments Regarding Definitive Plan, Southern Conomo Point

Chairman Burnham:

I am writing you on behalf of the Board of Selectmen to inform you that the Selectmen do not have any additional comments regarding the subject Definitive Plan at this time. Since the Selectmen are the actual applicant, their wishes, including all sought waivers, have been clearly indicated on the Plan via their consultant, Horsley Witten. The Selectmen plan to be in attendance at the public hearing on October 19, 2011 and they anticipate that various other departments will have substantive comments that will need to be considered. The Selectmen plan to participate in the hearing on the 19th as necessary to address questions and comments made by others.

Thank you.

Brendhan Zubricki
Town Administrator
(978) 768-6531



ESSEX FIRE DEPARTMENT

MEMORIAL FIRE STATION 24 MARTIN STREET ESSEX, MASSACHUSETTS 01929

Fire Chief Daniel M. Doucette
October 16, 2011

Town Of Essex
Planning Board
Town Hall
30 Martin Street
Essex, MA 01929

Dear Members:

I have reviewed the Definitive Plan Application for the Southern Conomo Point Zoning District and have the following comments/ concerns;

1. All roads should be of adequate width and construction to accommodate Fire apparatus and ambulances. This should include removal of trees, bushes, rock and other stationary objects located within the right of way that interferes with emergency vehicle responses.
2. At all intersections on the plan, but particularly at Town Farm Road and Cogswell Road, the turning radius should be sufficient for larger vehicles. Currently fire apparatus that travels westerly down Town Farm Road cannot turn left onto Cogswell Road.
3. An area should be located at the end of Cogswell road to allow emergency vehicles to safely turn around. This area should be for this purpose only and not part of a driveway or parking area.

I feel addressing these few issues; can improve public safety to the resident of the area and the safety of the Town's Emergency Responders.

Sincerely,

Daniel M. Doucette
Fire Chief

Mary-Ellen Feener

From: "Elaine Wozny" <ewozny@essexma.org>
To: "Elaine Wozny" <ewozny@essexma.org>; <planningboard@essexma.org>
Cc: "Brendhan Zubricki" <bzubricki@essexma.org>; "David Driscoll" <driscoll@themedicalgroup.net>; "Martha Mazzarino" <mmazzarino@gmail.com>; "Marlene Sanders" <marsand@comcast.net>; <awhite@essexma.org>
Sent: Friday, October 14, 2011 9:50 AM
Subject: Conomo Point Definitive Sub Division Review

Mary Ellen,

At their 10-13-11 meeting, the Essex Board of Health reviewed the submitted definitive sub division plan for a Southern Conomo Point zoning district and voted to approve the plan with the stipulation that all housing must have Board of Health approved potable water and sewage treatment facilities in compliance with BOH and State regulations.

Please contact me if you have any questions,

Elaine Wozny,

Essex BOH Administrator

Mary-Ellen Feener

From: "Paul Goodwin" <pgoodwin@essexma.org>
To: "mary feener" <planningboard@essexma.org>; <wburnham@comcast.net>
Cc: "Scott Dewitt" <sdpropertyservices@hotmail.com>; "Paul Rullo" <rullo15@verizon.net>; "Brian Feener" <njfeener@aol.com>
Sent: Friday, October 14, 2011 2:46 PM
Subject: Southern Conomo Point

Planning Board Members,

Per your request I am sending along comments in regard to the Southern Conomo Point Sub. Division Plan on behalf of the Board of Public Works. This does not mean we are in favor or against said plan, simply comments from our perspective.

#1. Obviously the roads down there are in poor condition. Poor surface and subsurface conditions and inadequate width. There are no plans or funds available to improve these conditions other than routine patching. Residents may expect better improvements, possibly a fund from sales to assist with this?

#2. The roads are town property and maintained by the town currently. There may be some question as to whether they are "accepted ways". If they are not, the same process of acceptance should be in place here as is elsewhere.

#3. At minimum, the surveyor should install bounds.

Any questions or comments let me know.

Paul

Editor, Gloucester Daily Times

November 21, 2011

My last letter (November 12) observed, regarding the Conomo Point subdivision in Essex, that we are looking at an inherently corrupt process in which the Town is the Applicant and is reviewing its own application and granting waivers to itself. Added now is advice from the Applicant's (Selectmen's) attorney on how the members of the Planning Board can evade our zoning law. A recent opinion from Kopelman and Paige attorney John Goldrosen (commissioned by the selectmen) repeats previous fallacies and concludes with "While the District Regulations are silent as to any required street width, the map of the District presented to Town Meeting and incorporated into the District Regulations show a 30-foot ROW for the internal Subdivision streets. It is therefore my opinion that the District Regulations specifically authorize 30-foot ROWs within the District and that this specific requirement applies in place of the Bylaw's general street-width requirements."

The Conomo District zoning law is not silent. Its first page states that the District "...is subject to all provisions of Chapter 6 of the Essex bylaws except as specifically defined below." The absence of any exception clearly means that the general provision requiring 44-foot roads in subdivisions applies.

Goldrosen's entire fraudulent opinion rests on his assertion that, because 30-foot roads were shown on the "Conceptual Preliminary Subdivision Plan" that the boundaries of the new zoning district were drawn on, the Meeting had amended the new zoning law to contradict its written terms. Chapter 40A of the state law requires the adoption by the Town Meeting of a boundary map and provides that the boundaries can be drawn on a tax or property map. The Meeting has no legal authority to approve details even in a Definitive subdivision plan, let alone a "Conceptual Preliminary" one, that power being assigned exclusively to the Planning Board by the State Subdivision Control Law.

Goldrosen's legal argument that, when a District's lines are drawn on a tax or property map, as provided by state law, the Meeting is also voting on the interior contents of the map is rubbish to begin with, but his sophistry also has a fatal flaw. Town Meeting voters do not ~~voters do not~~ vote on what they are told or assume or are shown or intend, even though some delude themselves into thinking that they are buying the salesman's words and not the product sold. The Town Meeting votes on written motions which are recorded by the Town Clerk.

Planning Board member Kimberly Drake's motion was to adopt the new District "...as printed in Article 1 of the Annual Town Meeting Warrant." The copy of the Warrant distributed to the voters at the meeting was contained in the Finance Committee Report. Article 1 specifies Exhibit 1 on page 6 as the map showing the boundaries of the District. The new law has no references to any other map but Exhibit 1. There are no readable numbers on the map.

Goldrosen may have seen a different version with visible numbers, perhaps a map kept with the selectmen's secret plans for Conomo Point, but he was not looking at the map adopted by the Town Meeting, a map that gives no basis for his fantasy.

Will the members of the Planning Board accept Goldrosen's invitation to pretend to accept his bogus opinions and do wrong under the cape of spurious back-side-covering "advice of counsel"? We shall see.

Bruce Fortier
186 Southern Avenue
Essex, MA 01929
(978) 768-7881

Agenda – October 19, 2011 – Town of Essex Planning Board Draft

To be held at the Essex Elementary School, 12 Story St., Essex MA

- 7:30 p.m. Building Inspector's Report *or Regular Business*
- 7:50 p.m. ANR Application – 83 & 85 Choate Street - Richard Salter, c/o Meridian Associates
- 8:00 p.m. Public Hearing for a Definitive Plan Application for Southern Conomo Point Zoning District, the Applicant is the Town of Essex Board of Selectmen *or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn -

*Next regular Planning Board Meeting will be on November 2, 2011 and will be held at the
Essex Elementary School, 12 Story Street, Essex MA*

Meeting Minutes -Town of Essex Planning Board – October 19, 2011

The meeting was called to order at 7:34 p.m. by Chair, Westley Burnham and was held at the Essex Elementary School.

Attendees: Andrew St. John (ASTJ), Corey Jackson (CJ), Kimberly Drake (KD), Bill French (BF), Westley Burnham (WB)

Absentees: Dexter Doane, Jason Heath - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any application(s) which required review or approval by the Planning Board.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes

The Board reviewed the meeting minutes of October 5, 2011. A motion to approve the Meeting Minutes as amended was made by Kim Drake. The motion was seconded and approved unanimously.

Building Committee Update

Westley reported that the Building Committee will be meeting before the November 2011 Town Meeting. The Building Committee will discuss and potentially answer the question will the Committee recommend the Town purchase the Lahey Building currently for sale to be used as the future site of the Town Administration Offices. If the Building Committee does suggest the Town pursue such a purchase it would need to be presented as a warrant article at a Town Meeting.

Long Range Planning Committee

Andrew shared with the Board that the Committee had recently met and the Committee discussed a potential Open Space Initiative and a Village Initiative to be presented as potential warrant articles at a future Town Meeting. According to Andrew it is the Committee's intent to submit their recommendations to the Planning Board as soon as possible.

Community Preservation Committee

Kim stated the Community Preservation Committee will be meeting next Monday. She explained that the Committee will discuss and potentially answer two questions regarding the available Community Preservation Funds and the use of the funds. Specifically if the Committee will recommend to the Town that the available funds be considered to purchase the 'old railroad land' which was offered to the Town to purchase by the Railroad and/or to use funds to repair numerous items at the local cemetery. If the Committee does suggest the funds be used for these two items it would be necessary that prior to disbursing the funds a majority of citizens approve the use of the funds/warrant articles at a future Town Meeting.

Conomo Point Committee

Kim stated that the Conomo Point Committee will be meeting tomorrow, Thursday, evening.

ANR Application – 83 & 85 Choate Street – Richard Salter c/o Meridian Associates

The Applicant presented the plan to the Board. The Board reviewed the plan.

KD: I move we endorse the ANR plan and application for 83 & 85 Choate Street finding that it meets the zoning requirements of the Town of Essex. The applicant is Richard Salter and the plan and application was presented by Meridian Associates.

The motion was seconded and approved unanimously.

Public Hearing for a Definitive Plan Application for Southern Conomo Point Zoning District, Town of Essex Board of Selectmen.

The Chair, Westley Burnham opened the Public Hearing at 8:01 p.m. for the Public Hearing of the Definitive Plan Application for the Southern Conomo Point Zoning District.

The Chair read the Preamble ~~to~~ regarding how the meeting would proceed to the public. Westley also explained to the public that the discussion during the Public Hearing would solely pertain to the proposed Southern Conomo Point Zoning District.

Nicholas Cracknel, Land Use Planner and David Willet, Civil Engineer, both of the Horsely Witten Group and the company hired by the applicants, presented an overview of the plan to the Planning Board and those in attendance.

Bruce Fortier, Southern Avenue, read a letter to the Board and the public. A copy of the letter is attached to these meeting minutes.

Maria Burnham, 30 Southern Avenue, questioned if Nick Cracknel had said that the roads would be fifty feet? Nick Cracknel said, no, the main Right of Way, Conomo Point Road, would be fifty feet wide and the other roads would be thirty feet wide.

Bruce Fortier, Southern Avenue re-instated that due to Massachusetts State Law and the Subdivision Rules and Regulations of the Town of Essex the Planning Board could not allow the roads for a new subdivision as they currently existed because they are currently 'driveways' and the Board could not grant variances for the proposed road(s) and that the application is not for an Approval Not Required Plan (ANR).

Nick Cracknel: We obviously are requesting the waiver. However, if there is a ramification for asking for a waiver the roads still should work as laid out. I would like to ask the person who brought up the question if this was the only issue with the plan.

Bruce Fortier, Southern Avenue: Terms are very important in law. They (the Planning Board) may have given you a waiver. The Town Zoning Bylaws cannot give you a waiver. That would require a variance. This land as we all know is a single undivided parcel of land. You can not evade the Zoning Bylaw by calling a driveway a Right of Way.

WB: These roads are not considered pre-existing ways. I am not used to regulating on a definition. As far as what we did, we did it at the request of the Town in order to maintain it in the existing condition. We have the input from many of the Town Departments and there will have to be modifications made based on these recommendations.

Derek Brown, 33 Conomo Point Road asked if Conomo Point Road would need to be widened. Westley Burnham responded that he had not read anything or heard anything that suggested that Conomo Point Road would be a part of this subdivision plan.

Sally Perkins, 35 Conomo Point Road asked the purpose of the locus map ~~was indicating~~ and Nick Cracknel explained.

Maria Burnham asked if this (approval) would leave the Board in jeopardy of being in trouble with other future proposed subdivisions.

Andrew St. John stated that if there was another part of Town that wanted to be such a subdivision it would still need to be presented the same way as this one as an article at a Town Meeting.

Maria Burnham, 30 Southern Avenue, clarified her question: What would stop someone from presenting other zoning districts like a commercial district within the Town of Essex? The Board explained that there isn't anything stopping from that happening and that any type of Zoning District would need to be presented as a warrant article at a Town Meeting and then approved if it was to be a Zoning District.

Maryellen Drew, 13 Town Farm Road spoke: I don't know if this is the appropriate place to ask this question. I heard just in my neighborhood that if I sell my house before the end of this year I will maintain my year round status of the house but if I sell my house after the New Year it will become a seasonal house?

Jeffrey Jones did say that if a property is transferred it is the intent of the Selectmen to have it changed from yearlong use to seasonal use.

Kim Drake suggested that Maryellen Drew contact the Board of Selectmen.

Westley Burnham read a letter from Town Counsel, Kopelman and Paige. A copy of said letter will be attached to these meeting minutes.

Stephen Hartley, 11 Conomo Lane: Isn't it your company (addressed to Nick Cracknel) that put the plan out and drew the lines and wouldn't he be able to tell us the answer to her question (referring to Maryellen Drew's question).

Andrew St. John explained the history of the application and the subdivision and clarified that the Selectmen should be the Board to whom any and all questions regarding the transfer or sale of a property or ownership of a property be directed.

Andrew St. John moved to continue the public hearing at 8:52 p.m. to November 2, 2011 at 8:00 p.m. The motion was seconded and approved unanimously.

Corey Jackson made a motion to adjourn the meeting at 9:15 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for November 2, 2011 at the Essex Elementary School 7:30 p.m.

Presented by:


Mary-Elle L. Feener, Secretary


Corey Jackson, Planning Board Clerk



KOPELMAN AND PAIGE, P.C.

The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

November 1, 2011

John Goldrosen
jgoldrosen@k-plaw.com

Planning Board
Essex Town Hall
30 Martin Street
Essex, MA 01929

Re: Southern Conomo Point District – Width of Rights of Way for Proposed Streets

Dear Members of the Planning Board:

You have requested an opinion concerning the width of the rights of way (“ROW”) for streets within the proposed Southern Conomo Point subdivision (“Subdivision”). As shown on the current proposed definitive plan for the Subdivision, the ROW of the Subdivision streets will be 30 feet wide, with the exception of Conomo Point Road, which will have a 50-foot-wide ROW. You have asked (i) whether the Planning Board may approve a waiver for the Subdivision from the Board’s Subdivision Rules and Regulations (“Regulations”), which require a minimum ROW of 44 feet for subdivision roads, and (ii) assuming that a waiver is granted and the Subdivision is approved, whether the lots thereby created will require a variance from the requirements of the Town Zoning Bylaw (“Bylaw”), based on the following definition of “Street” in Section 6-2.2 of the Bylaw:

“A public thoroughfare 30 feet or more in width established or maintained under public authority or a recorded way plotted and laid out for public use and which affords principle [sic] means of access to abutting property.
No new street shall be less than 44 feet in width.”

In my opinion, the Planning Board has discretion to grant a waiver from the Regulations to allow a ROW of 30 feet for the streets within the Subdivision, under the Subdivision Control Law, G.L. c. 41, §81R. Further, it is my opinion that, under the recently-adopted zoning provisions for the Southern Conomo Point Zoning District, inserted in the Bylaw as Section 6-11 (“District Regulations”), the lots within the Subdivision will be legally nonconforming lots and will not require a variance from the definition of “street” in the Bylaw.

1. Waiver from Subdivision Regulations

Section 1.03 of the Regulations allows the Planning Board to waive “strict compliance” with the requirements of the Regulations when, in the Board’s judgment, “such action is in the public interest and not inconsistent with the Subdivision Control Law[.]” This is based on the provision for waivers in G.L. c. 41, §81R: “A planning board may in any particular case, where such action is in

Planning Board
November 1, 2011
Page 2

the public interest and not inconsistent with the intent and purpose of the subdivision control law, waive strict compliance with its rules and regulations[.]”

Section 7.02(4)(a)(1) of the Regulations specifies a minimum ROW width of 44 feet for streets. Therefore, the approval of the Subdivision plan would require a waiver from this section of the Regulations. Numerous court cases have held that a planning board has broad discretion to grant waivers from subdivision regulations on the basis of the public interest.

2. Effect of the Definition of “Street” in the Zoning Bylaw

Zoning bylaws and subdivision regulations are based on separate statutes, and have independent force. In my opinion, a provision in a zoning bylaw cannot prevent a planning board from exercising its authority under the Subdivision Control Law, G.L. c. 41, §81M, to regulate “the laying out and construction of ways in subdivisions providing access to the several lots therein[.]” Conversely, the approval of a subdivision plan does not exempt the lots shown on the plan from compliance with zoning requirements.¹

Nonetheless, it is my opinion that, if the Plan is approved with street ROW widths of 30 feet, the lots shown on the Plan will comply with the Bylaw and will not require a variance. The clearly-expressed intent of the District Regulations, as approved by the 2011 Annual Town Meeting, is to allow lots to be created within the Southern Conomo Point Zoning District that reflect the existing development of the District, and for those lots to have the status of lawful nonconforming lots, notwithstanding other provisions of the Bylaw, in my opinion.

The stated purpose of the District Regulations is “to facilitate the subdivision of the previously developed area south of Robbins Island Road while minimizing disruption to the existing historical building configuration.” (Section 6-11.1). Similarly, Section 6-11.6 (“Dimensional and Density Regulations”) states, at Section 6-11.6(B): “This Section contemplates that new lots will be created through a subdivision to accommodate the principal and accessory buildings or structures in the [District] existing at the time of adoption of this Section.” The dimensional regulations in Table 1, including those for minimum lot size and front yard setback, are based on that presumption.

Further, it is my understanding that the proposed 30-foot ROW for the internal Subdivision streets was shown on the District zoning map that was available at the Planning Board’s hearing and

¹ Zoning bylaws regulate the use of lots and structures by dimensional requirements and use restrictions. In my opinion, a zoning bylaw cannot restrict a planning board’s authority to approve subdivision ways, or the authority of a municipality to lay out and accept public ways under G.L. c. 82, §§17-32. However, a definition of “street” in a zoning bylaw might indirectly affect whether lots are buildable, if the bylaw establishes a minimum lot frontage requirement and requires that a lot’s frontage must be on a way that meets the zoning bylaw’s definition of “street.”

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Page 3

submitted to Town Meeting, and that was provided to the Attorney General as part of the process for approving the District Regulations. The map indicates that, when Town Meeting approved the District Regulations, it understood that the internal Subdivision road ROW's would be 30 feet wide, notwithstanding the definition of "street" in the Bylaw.

Section 6-11.6(C) provides that the Subdivision lots and the existing buildings and structures on those lots are to be "deemed to be lawful nonconforming lots and lawfully existing nonconforming buildings or structures" (notwithstanding that the Subdivision plan will have been approved and recorded subsequent to the adoption of the District Regulations). Requiring that all of these lots obtain a variance from the definition of "street" in the Bylaw in order to be legal lots would be in conflict with this provision and inconsistent with the purpose of the District Regulations and the intent of Town Meeting, in my opinion. Indeed, the result would be to negate the intended outcome of Section 6-11.6(C). Appellate courts have held that lots and structures that are allowed by a variance are legal but are not nonconforming, and such lots and structures are subject to greater restrictions and enjoy fewer protections than nonconforming lots and structures. Therefore, if a variance were required for all the lots in the District with frontage on streets with a ROW of 30 feet, those lots would not attain the status of nonconforming lots, contrary to the intent of Section 6-11.6(C).

In summary, given that (i) the District Regulations do not impose a street-width requirement, (ii) the stated purpose of the District Regulations is to regularize the existing development pattern and provide lawful nonconforming status to the resulting lots and the structures, and (iii) Town Meeting was made aware of the proposed 30-foot width for the subdivision road ROWs, it is my opinion that the District streets are not required to have a 44-foot ROW.

Please feel free to contact me with any further questions concerning this matter.

Very truly yours,



John J. Goldrosen

JJG/eon

cc: Board of Selectmen
436545/ESEX/9999

November 2, 2011

To: Essex Planning Board
From: Bruce Fortier
186 Southern Avenue
Essex, MA 01929
(978) 768-7881

*Rec'd @ Public Hearing
11/2/11*

The Town of Essex's property at Conomo Point is presently a single, undivided parcel. The Town Meeting, at the urging of the Selectmen, has voted to establish a zoning district which encompasses a part of the town-owned parcel. There has been no vote by the Town to actually subdivide or sell any portion of its land, but there have been funds appropriated to prepare a subdivision plan. The selectmen are taking advantage of their legal power, a power which most voters are not aware of, to subdivide the land with no further vote by the townspeople. A vote to sell any new lots would still be required.

The first sentence of State Chapter 41, Section 81M, states that "The subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns...by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways,.."

Section 81L Definitions states that "the division of a tract of land into two or more lots shall not be deemed a subdivision.. if...every lot within the tract so divided have frontage on" three categories of pre-existing ways.

Section 81P provides for a finding by the Planning Board that a proposed division of land is not subject to subdivision rules or laws because the frontage requirements of Section 81L are met.

Section 81U states that "Before endorsement of its approval of a plan, a planning board shall require that the construction of ways and the installation of municipal services be secured... by one of the methods described in the following clauses..." Clearly, the central purpose of the Subdivision Control Law is,

as it states, "...for the provision of adequate access to all the lots in a subdivision by ways that will be safe and convenient..." and "...for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and similar municipal equipment, and street lighting and other requirements...". The primary goal is to protect future purchasers of lots in a subdivision from inadequate roads.

The protection of the interests of future purchasers of lots, who are for the most part captive in this case, has been brushed aside and instead every possible waiver which would maximise the developer's short-term profits have been granted. No improvements at all are to be required of a system of drive-ways constructed fifty years ago to provide access to what were, by Town Bylaw, summer cottages. We are looking at an inherently corrupt process in which the Town is the Applicant and is reviewing its own application. The Applicant's (Selectmen's) attorney is hardly an impartial advisor to the Planning Board. The law firm of Kopelman and Paige stands to make a considerable sum in the course of over forty real estate transactions as a result of this subdivision.

At the conclusion of the first session of this hearing (Oct. 19) the only issue was the failure to meet the 44' road width requirement of the Zoning Law. The applicant's engineer stated at the hearing that he could redraw the plan to meet the requirement. The applicant has had two weeks to do so. The intelligent thing would have been for the Selectmen to appear tonight with a redrawn plan.

It can be anticipated that the Selectmen might instead deem it clever to argue that the word 'new' in the zoning law doesn't apply to their subdivision because they suppose their proposed roads to be pre-existing. The Selectmen seem to regard Law as some sort of smorgasborg where they can take some laws from the Subdivision section and then, when they see some tasty law in the Approval Not Required section, put that on the mix in their plate. As pointed out in the first two paragraphs of this Statement, the Subdivision Control Law is clear on its face

that a subdivision deals with ways which have not become public ways and that if there is frontage on existing ways it is not a subdivision. The Applicant keeps trying to evade the fact that this is a hearing on a subdivision, not an Approval Not Required request. There is no legal basis in the idea that there could be a Subdivision in which all the roads are ANR. The Selectmen do not appear to comprehend that arguments for pre-existing ways are actually arguments against their own Subdivision Plan.

There are numerous reasons why the wholly internal driveways on the Town's single parcel of land at Conomo Point are not ways. Attached as part of this Statement are two studies of the legal issues regarding ways. One is a Memorandum of Law prepared by attorney Alexandra Dawson of the Conservation Law Foundation for the Planning Board. The second is a study of the procedures for the layout, alteration and relocation of public ways prepared for the Board of Selectmen by the DPW Commissioners. Both reports have extensive references to statutes and case law.

A recurrent theme in both reports is that the courts have repeatedly found that a town's failure to strictly follow legal requirements invalidates any action regarding ways. An example would be a vote to accept a way without first having met the requirements for completing a layout and by failing afterward to place required markers of the exterior lines.

There are a great many sections in state law regarding ways, most of which have been ignored in Essex. Chapter 82 Sections 21, 22, 23, and 32 are examples. Section 32 requires that layouts must be recorded in a book kept for that purpose. Layouts have to establish the exterior lines of ways. Under Chapter 41 Section 81Y a 2/3's Town Meeting vote can accept a public way, but the layout process must have been accomplished first. Chapter 86, Section 1 requires the Selectmen to cause permanent bounds (stone or concrete posts) to be erected at the termini and angles of all ways laid out by them.

Chapter 41 Section 81E authorizes a town to adopt an official map showing public ways, existing private ways, and subdivision ways. Essex has not yet done so. Only the ways shown on the map

can be used to meet access requirements. What is significant to the present matter before the board is the State requirement that, to be on the map, a pre-existing way must be used in common by more than two owners. This law would not allow the driveways at Conomo Point to be placed on the map because they serve only one owner- the Town of Essex.

I note the mistaken use of the term "right of way" in the Planning Board's July 20, 2011 waiver list. The key word in the term is 'right', not 'way'. A right of way is a right of passage over another's property, as when someone sells his property but retains a right to cross it. It is not a way at all, and has no physical existence, which is the reason that frontage cannot be claimed on a right of way. In the deed granting the right there is customarily a description of the boundaries within which the right can be exercised. A right of way (or an easement) does not give any ownership.

The Applicant has placed the Planning Board in a position where its members have no real choice but to disapprove the Subdivision Plan because the exterior lines of its roads do not meet the Essex Zoning Law's 44' requirement.

Having disapproved the Subdivision Plan, it would be best if the Planning Board just stepped back and waited for the Applicant to finish arguing with itself. Once that internal argument over the Subdivision v. ANR was resolved the Applicant has all manner of options. It could get a variance from the zoning requirement or get a change in the zoning law. The Town was free to write its zoning law for the new district to fit its subdivision plan, and is free to change the zoning law to fit it still. The decision on where to go from here is entirely up to the Applicant and not any responsibility of the Planning Board.

The present proceedings are notable for the lack of documentation. Oral, self-serving assertions of alledged facts are merely fleeting sonic vibrations in the atmosphere. Should the Applicant return with ANR arguments I would hope that the Applicant be required to meet its Burden of Proof with substance.

DEPARTMENT of PUBLIC WORKS



TOWN HALL, MARTIN STREET, ESSEX, MASS. 01929

*File Copy
Introduced 11-2-11*

*Rec'd
of Public Hearing
Nov 2, 2011
WJ*

April 6, 1978

Board of Selectmen
Town of Essex
Essex, Massachusetts 01929

Gentlemen:

The Department of Public Works has completed a study of the procedures for the layout, alteration and relocation of public ways. At the outset, we are obliged to point out to you that we have not submitted our conclusions to Town Council for verification; however, they are completely consistent with published findings of the Massachusetts Federation of Planning Boards (MFPB). We feel, at the present time, that the decision to refer them to Town Council should lie in your hands.

To start with, we must define some terms:

1. A layout is a plan by the Selectmen of an entirely new way.
2. An alteration is a change planned by the Selectmen or Department of Public Works in an existing way, for example, a widening or straightening of the pavement.
3. A relocation is a major realignment of the center-line of an existing way planned by the Selectmen or the Department of Public Works.

State law requires that certain procedures be followed for the laying out, alteration or relocation of public ways (see appendix A). These procedures are mandatory so that any defect in the process makes the action null and void. The process can

be broken down into four phases.

Phase I (Steps 1-7). The Selectmen layout, alter or relocate the town way. This is done entirely on paper.

Phase II (Step 8). The town votes to accept the Selectmen's layout, alteration or relocation and appropriates any required funds.

Phase III (Steps 9-10). The Selectmen acquire any needed land (or rights) and document their action.

Phase IV (Step 11). The Department of Public Works carries out the necessary construction, thus establishing the Selectmen's layout, alteration or relocation.

We believe that strict adherence to these procedures is in the best interest of the town.

We hope that you will find this brief report useful and we look forward to continuing to work with you for the better service of our community.

Sincerely,

Essex Department of Public Works

cc: Chairman, Planning Board
Town Moderator, Samuel Hoar
Chairman, Finance Committee

rs
Enclosures

Appendix A

Procedures for the Layout, Alteration, Relocation and Acceptance of Public Ways

Step 1 Upon petition or upon their own initiative, the Selectmen consider the laying out, alteration or relocation of a public way (C. 82 § 21). This consideration becomes a matter of public record through an official vote of the Board (C. 39 § 23B).

Step 2 The proposed laying out, relocation or alteration is referred to the Planning Board for its (nonbinding) recommendation. The Planning Board has 45 days to submit its report. If it fails to report within this time, the proceedings continue (C. 41 § 811). Note that this provision holds for any agency which wishes to lay out, alter or relocate a way, i.e., county commissioners or state Department of Public Works.

Step 3 A formal determination to layout, alter or relocate the way must be made by the Selectmen by a vote which appears in the record (C. 39 § 23B).

Step 4 At least seven days prior to their final action, the Selectmen must give written notice of their intention to layout, alter or relocate a public way to the owners of any land to be taken for such purposes (C. 82 § 22), (i.e., they give notice to all abutters).

Step 5 The way is laid out, altered or relocated by the Selectmen by formal vote specifying by courses and distances the location of the way. Note that the laying out, alteration or relocation is a paper, rather than a physical activity. The next steps effect the

establishment of the way which has been laid out, altered or re-located by the Selectmen.

Step 6 The Selectmen file the layout, alteration or relocation with appropriate boundaries and measurements, in the office of the Town Clerk (C. 82 § 23).

Step 7 The Selectmen place a proper article on the Warrant to see if the town will vote (a) to accept the layout, alteration or relocation of the way as described in the plan on file with the Town Clerk and (b) to appropriate funds for both acquisition and construction. Note that the article should specify whether the road being laid out is to become a town or a private way (both are public ways in Massachusetts) ..

Step 8 No less than seven days after Step 6, the layout, alteration or relocation is accepted by the town at a town meeting (C. 82 § 23) and the necessary funds are appropriated (C. 40 § 5(4)). If funds are to be borrowed, a 2/3 vote is required.

Step 9 Within 30 days of town meeting acceptance, the Selectmen must acquire any necessary land by purchase or otherwise or adopt an order of taking of such land by eminent domain (C. 82 § 24). Wherefore, action by the Selectmen can range from legal acceptance of a town right of way to the adoption of an order of taking. The Massachusetts Federation of Planning Boards recommends acquisition of the title in fee, and further, that the fee be taken by eminent domain in every case, as the eminent domain law cures all defects

in the title. The reader is referred to C. 79 and C. 80A for proceedings under eminent domain. Two relevant examples are (a) an order of taking must be recorded in the Registry of Deeds within thirty days after its adoption by the Selectmen, (b) a certificate of entry and possession must be recorded within two years after the date of the order of taking, and (c) notice should be given to every person whose property has been taken or who otherwise may be entitled to damages (i.e., all abutters).

Step 10 The manner in which a way has been laid out, altered or relocated and a description of the location and bounds thereof shall be filed by the Selectmen with the Town Clerk and recorded by him in a book kept for that purpose (C. 82 § 32).

Step 11 The Department of Public Works establishes the approved layout, alteration or relocation of the public way.

Prepared by:

Gardner A. Patch, Commissioner
Essex Department of Public Works

Fil Copy

Mr. William Holte
Chair Essex Planning Bd
2 Maple St
Essex MA 01929

12/2

filed
12/2/2011
JTB

Dear Mr. Holte,

Enclosed please find the
Memorandum of Law which
you requested at your
meeting in November.

I hope it will be useful
to your board & anyone
else you would care to
pass it on to.

Sincerely
Alexandra Dawson Egg
2 West St
Hadley
MA 01035

413-586-5586

TO: ESSEX PLANNING BOARD

FROM: ALEXANDRA D. DAWSON, ESQ.

RE: LEGAL STATUS OF ESSEX ROADS

1. Creation of Public Ways

A. It is evident from the conversation at the meeting of Nov. 16 and previous sessions that (a) virtually none of your roads has been laid out and accepted by the town meeting in strict accordance with Ch. 82 of the General Laws; (b) town money has historically been spent on the maintenance, plowing and sometimes widening of these ways; and (c) the bounds of most of the ways, whether public or private, have not been ascertained.

B. These "unaccepted" ways are still private ways, unless they have achieved the status of public ways in one of two ways: they were dedicated and accepted as public ways before 1846; or they were used continuously by the public for over twenty years and this fact has been proven in court action (prescriptive use). Evidence may be available in town or county records, registry plans, etc. to determine whether old ways were laid out or used in these ways, and what the bounds (or at least the width) of such ways are. Proving that a way has become public by prescriptive use would require court action; the bounds will necessarily be limited to the portion that the public used--the traveled way, plus presumably the shoulders and drainage.

The Massachusetts courts have recently taken a very hard line about the statutory procedure for laying out public ways: it is not a mere bureaucratic process; compliance with every step is essential, or the layout process is invalid. See *Loriot v. Keene*, 343 Mass 358, *Casagrande v. Town Clerk of Harvard*, 377 Mass. 703 (1979), *Fenn v. Town of Middleborough*, 7 Mass. App. 80 (1979). Although evidence is mounting that town after town virtually lacks any provably public roads other than state/county highways, the courts show no disposition to give an inch on the requirements of ch.82.

C. In the long run, it may prove simpler, where certainty is desired, for the town or county to survey and lay out ways as public ways under G.L. ch. 82. However, this must be done in strict adherence to the provisions of the eminent domain law, G.L. ch. 79, including notice to all persons who may be entitled to damages, since under this corrective layout process the town or county has no way of really knowing where the original bounds of the ways being made public might have been.

2. What would be the benefits of laying out public ways?

A. Town and state money could legally be spent on their repair, maintenance and reconstruction (within the agreed right of way) without further votes of town meeting and without danger of legal action such as taxpayers' suits against use of public funds.

B. Landowners would know the bounds of their property and would not encroach on the ways--or vice versa. They would be assured of future maintenance and relieved of future liabilities for accidents.

C. The public would be assured of continued use of the ways. A private way is in essence a driveway. Public use of a private way can be terminated at will by the agreement of the landowners along it (see *W.D. Cowls Inc. v. Wojcikowski*, 385 N.E. 2d 521 (1979)). Any improvements in a private way, however much desired by the public (or most of the abutters) must also be approved by all of the landowners along a private way. In some cases, a single landowner through whose property a private way passes may even be able to bar off and discontinue the way altogether.

3. What are the particular concerns of planning boards in ways?

A. A proposal for subdivision of land frequently involves the question of whether the landowner is exempt from your controls because his lots will have frontage on a way certified by the town clerk as "maintained and used as a public way." If the way is not so certifiable, you may still decide the way is adequate; but at least there is no exemption as of right.

The clerk's certification that the way is so used and maintained must be based on something more than mere regular public use or maintenance, since many private ways are both used and maintained by the towns. In the *Casagrande* case, the way had been publically maintained for at least fifty years; but this did not make it a public way.

B. The planning board must be given 45 days' chance to recommend action on any proposed new town public way, under G.L.ch.41,s.81I. It may establish exterior lines to public ways under s. 81J. And if the town adopts an "official map" of its public ways under ch.41, s. 81E, all new ways will require the planning board's approval of grading, surfacing and drainage (ch. 41, s. 81G).

4. What should the board do to discharge its obligations and avoid liabilities under present circumstances?

A. The board should adopt regulations, or at least written policy, establishing the criteria it will consider (if not actual standards) in reviewing the adequacy of nonpublic ways when subdividers apply for "subdivision approval not required" status. This should be

done regardless of any further moves, because without any such policy adopted by the board, the board risks being deemed arbitrary and capricious if it stamps one proposed subdivision plan on a nonaccepted way "ANR" and refuses to do the same for another landowner similarly situated on that or another unaccepted way. Criteria could include length, other access, slopes, visibility, etc.--all the sorts of things discussed in your present subdivision regulations although you would not necessarily be applying the subdivision road standards. You might like to look at the standards to which your older unaccepted publically used ways were constructed.

B. I would recommend a planning board regulation, or at least written policy, expressing the principle that, if an applicant before you wishes to obtain an "ANR" approval based on the public-way exemption, that applicant must satisfy the planning board that the way is a public way under the law. Of course, this is inherent in the requirement that the town clerk certify it is so used and maintained; but in your circumstances you may wish to go on record as not "knowing" that any ways in your town are public (except of course state/county ways).

C. The board should consider recommending that the town meeting vote as to which unaccepted ways it will clear of snow, under the provisions of ch. 40, s. 6C and which it will temporarily repair within the existing traveled bounds (ch. 40, s. 6N). The town meeting vote will insure the legality of spending public money and can also be used to prevent the town from being liable, if it does not wish to be, for accidents on ways which are not public ways but which it does maintain. If reconstruction of a private way requires public money, ch. 40, s. 5 seems to permit the town to pay some or all of the cost of the work under subsection (68). If the concern is that the state may withhold "chapter 90" funds from the town if the town admits its roads are not accepted ways, then the warrant article, and the motion thereunder, could contain the following "sanitary" language:

Whereas the status of some or all of the town's ways is not now clear, and whereas the town wishes to maintain/ temporarily repair these roads until such time as their status as public or private ways is clarified, it is voted...

D. The planning board should recommend for designation as scenic roads all ways, public or private, as to which it expects to see development and widening which could destroy scenic walls or trees. The statute does not require that the ways be accepted. This will insure continued planning board jurisdiction to preserve the quality of life and the property values in your fine rural community.



ESSEX CONSERVATION COMMISSION

30 Martin Street, Essex MA 01929

Telephone: 978-768-2509

Email: conservation@essexma.org

MEMORANDUM

TO: Planning Board

DATE: October 18, 2011

RE: Southern Conomo Point Zoning District Definitive Subdivision Plan Application

The Conservation Commission reviewed the Subdivision Plan submitted for the southern portion of Conomo Point on October 4. The Commission offers the following for comments:

1. The Commission notes at the outset that the Commission has no authority to waive any requirements of the Wetlands Protection Act, nor does any other entity in Town.
2. Currently the plan shows no formal wetland delineation. This will need to be added to any future plans filed with the Commission, and the delineation needs to be approved by the Commission.
3. Any work proposed pursuant to this plan that is within the jurisdiction of the Wetlands Protection Act will require the filing of a Notice of Intent, public hearing and the issuance of an Order of Conditions prior to commencement of work. The Commission notes, for example, that The Plan indicates that more than one road may be widened. Drainage and pitch information would have to be provided to the Commission, in a Notice of Intent, for all new roads, or the widening of existing roads, within the jurisdiction of the Wetlands Protection Act.
4. The Plan references flood zone information obtained from FEMA but this is not on the plan.
5. There is a "Zoning Line" which appears to indicate the delineation between seasonal cottages and single family homes, is this correct.
6. Cogswell Road is marked simply "right of way", while all other roads are marked "proposed right of way", does this indicate that Cogswell Road is already a right of way and the other roads will become rights of way when the Plan is approved.
7. Has the Planning Board defined "general municipal uses" for Parcels A and B.
8. The Commission noted the subdivision waivers requested on the Plan and wants to confirm that these are local zoning by-law waivers. .

Thank you for your consideration of these comments.

ESSEX CONSERVATION COMMISSION

Mary-Ellen Feener

From: "Brendhan Zubricki" <bzubricki@essexma.org>
To: "Westley Burnham" <w_burnham@comcast.net>
Cc: "Essex Planning Board" <planningboard@essexma.org>
Sent: Tuesday, October 04, 2011 8:58 AM
Subject: Comments Regarding Definitive Plan, Southern Conomo Point

Chairman Burnham:

I am writing you on behalf of the Board of Selectmen to inform you that the Selectmen do not have any additional comments regarding the subject Definitive Plan at this time. Since the Selectmen are the actual applicant, their wishes, including all sought waivers, have been clearly indicated on the Plan via their consultant, Horsley Witten. The Selectmen plan to be in attendance at the public hearing on October 19, 2011 and they anticipate that various other departments will have substantive comments that will need to be considered. The Selectmen plan to participate in the hearing on the 19th as necessary to address questions and comments made by others.

Thank you.

Brendhan Zubricki
Town Administrator
(978) 768-6531

Mary-Ellen Feener

From: "Peter Silva" <psilva@essexma.org>
To: "Mary-Ellen Feener" <planningboard@essexma.org>
Sent: Tuesday, October 18, 2011 3:36 PM
Subject: Re: Southern Conomo Point Zoning District

Mary-Ellen,

Thank you for your reminder. I have actually spent some time walking this area as well as viewing this area with the fire Chief. I see a couple of issues that are of concern to me from the police side of things. My concerns are that the width of the road/common drive in to the location where the houses are located is not very wide. On a dry fair weather day, police vehicles can enter and exit this road without too much difficulty. During inclement weather such as during snow fall, I suggest to your board that build up of snow on either side of the road may pose certain challenges to responders traveling down that road. Regardless of the weather conditions, once emergency vehicles get to the end of the drive, the inability to turn a cruiser around without difficulty became quite obvious due to the narrow area where the road terminates. If another cruiser, or emergency responder vehicle is added to the response, the road width will not permit more than one vehicle passage without the second giving way to the first. I have concerns that an ambulance or fire apparatus would exacerbate this condition due to their size and width.

I visited this area during limited light conditions. I would also mention that the lighting is quite poor, which contributes to the difficulty locating the few homes that are off of this road. This could easily be addressed with additional illumination, accompanied by dedicated house numbering in more visible areas. Foliage restricts visibility of house numbers to some houses. Our department is currently working on a house numbering program which hopefully will provide some relief to this problem.

I have been a member of the police department since 1988. During this time I can say that the call volume to this location is extremely low.

If I can be of any further help to your board, please let me know. Thank you in advance.

Peter Silva
Essex Police Chief

From: Mary-Ellen Feener
Sent: Tuesday, October 18, 2011 2:21 PM
To: peter.g.silva
Subject: Southern Conomo Point Zoning District

Hello Chief Silva,

This is just a friendly reminder that the Planning Board is going to begin the Public Hearing for the Southern Conomo Point Zoning District Definitive Plan Application tomorrow evening and the Board had asked your department for any comments and if you have no comment to let us know that as well.

You may email your comments or leave them at Town Hall during regular business hours (the Planning Board's mail box

10/19/2011



ESSEX FIRE DEPARTMENT

MEMORIAL FIRE STATION 24 MARTIN STREET ESSEX, MASSACHUSETTS 01929

Fire Chief Daniel M. Doucette
October 16, 2011

Town Of Essex
Planning Board
Town Hall
30 Martin Street
Essex, MA 01929

Dear Members:

I have reviewed the Definitive Plan Application for the Southern Conomo Point Zoning District and have the following comments/ concerns;

1. All roads should be of adequate width and construction to accommodate Fire apparatus and ambulances. This should include removal of trees, bushes, rock and other stationary objects located within the right of way that interferes with emergency vehicle responses.
2. At all intersections on the plan, but particularly at Town Farm Road and Cogswell Road, the turning radius should be sufficient for larger vehicles. Currently fire apparatus that travels westerly down Town Farm Road cannot turn left onto Cogswell Road.
3. An area should be located at the end of Cogswell road to allow emergency vehicles to safely turn around. This area should be for this purpose only and not part of a driveway or parking area.

I feel addressing these few issues; can improve public safety to the resident of the area and the safety of the Town's Emergency Responders.

Sincerely,

Daniel M. Doucette
Fire Chief

Mary-Ellen Feener

From: "Elaine Wozny" <ewozny@essexma.org>
To: "Elaine Wozny" <ewozny@essexma.org>; <planningboard@essexma.org>
Cc: "Brendhan Zubricki" <bzubricki@essexma.org>; "David Driscoll"
<driscolld@themedicalgroup.net>; "Martha Mazzarino" <mmazzarino@gmail.com>; "Marlene
Sanders" <marsand@comcast.net>; <awhite@essexma.org>
Sent: Friday, October 14, 2011 9:50 AM
Subject: Conomo Point Definitive Sub Division Review

Mary Ellen,

At their 10-13-11 meeting, the Essex Board of Health reviewed the submitted definitive sub division plan for a Southern Conomo Point zoning district and voted to approve the plan with the stipulation that all housing must have Board of Health approved potable water and sewage treatment facilities in compliance with BOH and State regulations.

Please contact me if you have any questions,

Elaine Wozny,

Essex BOH Administrator

Mary-Ellen Feener

From: "Paul Goodwin" <pgoodwin@essexma.org>
To: "mary feener" <planningboard@essexma.org>; <wburnham@comcast.net>
Cc: "Scott Dewitt" <sdpropertyservices@hotmail.com>; "Paul Rullo" <rullo15@verizon.net>; "Brian Feener" <njfeener@aol.com>
Sent: Friday, October 14, 2011 2:46 PM
Subject: Southern Conomo Point

Planning Board Members,

Per your request I am sending along comments in regard to the Southern Conomo Point Sub. Division Plan on behalf of the Board of Public Works. This does not mean we are in favor or against said plan, simply comments from our perspective.

#1. Obviously the roads down there are in poor condition. Poor surface and subsurface conditions and inadequate width. There are no plans or funds available to improve these conditions other than routine patching. Residents may expect better improvements, possibly a fund from sales to assist with this?

#2. The roads are town property and maintained by the town currently. There may be some question as to whether they are "accepted ways". If they are not, the same process of acceptance should be in place here as is elsewhere.

#3. At minimum, the surveyor should install bounds.

Any questions or comments let me know.

Paul

Mary-Ellen Feener

From: <Anandprita@aol.com>
To: <planningboard@essexma.org>
Sent: Saturday, October 29, 2011 8:52 PM
Subject: Re: (no subject)

To The Planning Board

I am sorry that I misunderstood the letter dated July 25 concerning southern Conomo Point. I thought it was being proposed that 43 additional units were being considered on top of the existing 42 units.

I am in favor of selling some of this land. I am not in favor of making a backroad along the marsh

October 19, 2011

To: Essex Planning Board
From: Bruce Fortier
186 Southern Avenue
Essex, MA 01929
(978) 768-7881

Re: Proposed Subdivision at Conomo Point

The subdivision before the Board is being submitted as a subdivision and not as something in which approval under the subdivision laws is not required. Subdivision approval is not required if necessary frontage can be provided by existing ways. The applicant has chosen not to press any argument that the driveways the Town has constructed within its single parcel of land at Conomo Point qualify it for Approval Not Required status.

In a document dated July 20, 2011 the Essex Planning Board reported its vote to approve the Preliminary Subdivision Plan for Conomo Point, which vote included a waiver to not less than 30 feet from the Planning Board's subdivision regulations which require 44 foot street widths. Chapter 41 section 81R of state law allows a Planning Board to waive strict compliance with its rules and regulations and with frontage or access requirements in the State's Subdivision Control Law. Including a reference to a Town zoning law in its regulations does not give the Planning Board the power to grant variances from the Town zoning law.

The first sentence of 6-11.2 Establishment:(of the Southern Conomo Point Zoning District) says "The SCPZD is a zoning district shown on the Town's Zoning Map (see Exhibit 1) and is subject to all provisions of Chapter 6 of the Essex bylaws except as specifically defined below."

In section 6-2.2 Definitions, under "Street", Chapter 6 says "A public thoroughfare 30 feet or more in width established or maintained under public authority or a recorded way plotted and laid out for public use and which affords principle means of access to abutting property. No new street shall be less than 44 feet in width."

The Subdivision Plan before the Board shows several streets which are less than 44 feet wide. The Subdivision Plan does not meet the requirements of the Town's Zoning Law.

In its Recommendation to the Town the Planning Board stated that "The Planning Board has determined that the zoning bylaw amendment (establishing the SCPZD) has been written as a clear and legible document designed to function as part of the zoning bylaws of the Town of Essex. The Board unanimously agreed that the zoning bylaw amendment, if passed by a 2/3 town vote, will be a document that the Board is comfortable implementing."

We shall see.

Additionally, I wish to note that cleverness has always been valued over intelligence by Essexites in the conduct of government: Clever evasions and avoidances. Clever distortions of facts and manipulations of numbers. Perhaps in this instance we might see clever distractions forgone and instead see the problem, which is that the planned roads don't meet the requirements of the zoning bylaw, dealt with intelligently.

Agenda – October 5, 2011 – Town of Essex Planning Board Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

- 7:30 p.m. Building Inspector's Report *or Regular Business*
- 8:00 p.m. Continuation of the Public Hearing for a Definitive Plan Application for TBD Essex Park Drive, the Applicant is the Apple Street Nominee Trust *or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Southern Conomo Point Definitive Plan Application and the public hearing on 10-19-11 at the Essex Elementary School
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn -

*Next regular Planning Board Meeting will be on October 19, 2011 and will be held at the
Essex Elementary School, 12 Story Street, Essex MA*

Draft - Meeting Minutes -Town of Essex Planning Board – October 5, 2011

The meeting was called to order at 7:48 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.

Attendees: Corey Jackson (CJ), Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF) **Absentees:** Dexter Doane, Jason Heath, Andrew St. John - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

25 Lufkin Point Road, Robert Huss, Map 20 Lot 3

BS: This is to demolish the existing dwelling and construct a new two story, two bedroom dwelling. The plan shows a deck which will not be included. This has the approval of the Board of Health, The Conservation Commission and the Fire Department/911.

BF: I make a motion to approve the site plan for Robert Huss for a single family residence to be located at 25 Lufkin Point Road finding it meets all the requirement of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Regular Business

Payroll

The Planning Board reviewed the Meeting Minutes of September 21, 2011. A motion was made to approve them as amended. The motion was seconded and approved unanimously.

Updates from the Chair – Wes attended the most recent Quarterly Meeting with the Board of Selectmen. Kim Drake also attended. Wes shared with the Board the many topics which were discussed which included; the purchase of the Lahey Clinic for the Town Hall offices; the timeline for Conomo Point; the CPA fund, to purchase a new cruiser for the Police Department, cemetery upgrades, an unofficial census which showed that just over one-third of the residents in Essex are over 60 years old and the promotion for Essex Pride week. The Board of Selectmen stated that they expect the approval of the Northern Conomo Point subdivision by 2012.

Continuance of a Public Hearing for TBD Essex Park Drive Definitive Plan Application

The Chair Westley Burnham reopened the Public Hearing for the Definitive Plan Application of TBD Essex Park Drive of the Apple Street Nominee Trust. Attorney Orestes 'Rus' Brown (R.B.), Trustee, representing the Trust.

RB requested a continuance. He stated that the plan in its current state is a good plan due to the fact it did not have a through road (a road through to Turtleback Road). He stated what would change is that if they have to go back to square one they will lose five house sites which he stated will make an overall difference in the schemes of things. He also stated that it would keep the housing at one end.

WB stated that three and half years have passed since the first 2008 public hearing was held and the Board has been more than generous. WB said he respectfully appreciated the fact that the original developer died during the public hearing process but that he passed away two years ago.

BF asked if the applicants move the road then will they need to have new calculations completed due to the winter weather.

RB stated that they had difficulties with the first engineering company.

CJ pointed out that what should have happened is that once the first engineering company was fired then the new engineering company should have started a new plan.

RB stated that it had been a matter of economics.

WB said what was the real issue is the question of how much longer will the continuances go on.

CJ pointed out that what the applicant is stating that the entire plan is being changed.

BF said what this sounds to me is that you are starting over with new engineers; new plans and the Board should be allowed to do the same.

KD reminded the applicant that the Open Space Residential Design (OSRD) Bylaw was approved which may benefit the applicant.

A motion was made to continue the public hearing to November 2, 2011 at 7:45 p.m. at the Essex Elementary School. The motion was seconded and approved unanimously.

Southern Conomo Point Site Walk

The Board discussed the Site Walk done on October 1, 2011.

Community Preservation Committee

Kim updated the Board with the latest information regarding the Community Preservation Committee. It was discussed during the Board of Selectmen Quarterly Meeting it was discussed that the Committee may consider using CPC funds to purchase the 'old railroad land' which was offered to the Town to purchase. It was suggested that a purchase only occur with the contingency that the Town is able to purchase the 'Lahey Clinic' building for Town administrative offices. Kim explained that the 'road' may only be used for a walking path due to the requirements of how the funds may be used. The CPC is also considering using funds to repair items at the cemetery. The Committee will then offer their suggestions regarding the use of the funds and then their suggestions would need to be approved by a majority at a Town Meeting.

Bill French made a motion to adjourn the meeting at 8:55 p.m. and the motion was seconded and approved unanimously.

The next meeting is scheduled for October 19, 2011 at the Essex 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda – September 21, 2011 – Town of Essex Planning Board Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report *or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on October 5, 2011

Meeting Minutes -Town of Essex Planning Board – September 21, 2011

The meeting was called to order at 7:36 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.

Attendees: Corey Jackson (CJ), Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF) **Absentee:** Andrew St. John - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

There were no building permit applications which required presentation by the Building Inspector to the Planning Board.

Regular Business

Payroll

Updates from the Chair

The Community Preservation Committee met recently. The Selectmen requested that the Committee meet since the Railroad offered the Town the opportunity to purchase land which is owned by the Railroad. The Committee has funds set aside for housing, historical items and open space. Paul Goodwin suggested that some of the funds be used to repair some of the older stones and the fencing at the cemetery.

The meeting minutes of September 7, 2011 were reviewed. A motion was made to approve the minutes as amended. The motion was seconded and approved unanimously.

Board discussion and review of the Southern Conomo Point Zoning District Definitive Plan Application. The Board decided they would accept the application. The public hearing will be scheduled for October 19th 2011 and held at the Essex Elementary School.

KD: I move we accept the Definitive Plan Subdivision application presented to the Planning Board by the Board of Selectmen. The motion was seconded and approved unanimously.

Board discussion regarding potential warrant articles Town Meeting 2012

The Building Committee is pursuing to move the Town offices to the Lahey Clinic on Western Avenue.

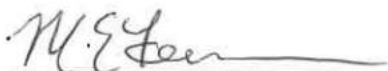
A meeting of the Conomo Point Sub-Committee will be held soon.

The Board discussed a potential site walk of the Southern Conomo Point Zoning District. It was decided that the Board will meet on October 1, 2011 and that the Board Secretary will make sure a notice for the public regarding the Site Walk is posted at Town Hall.

Dexter Doane made a motion to adjourn the meeting at 8:28 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for October 5, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda - September 7, 2011 - Town of Essex Planning Board
Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report or Regular Business

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on September 21, 2011

Meeting Minutes -Town of Essex Planning Board – September 7, 2011

The meeting was called to order at 7:33 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.

Attendees: Corey Jackson (CJ), Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Andrew St. John (ASTJ) **Absentees:** Dexter Doane, *Bill French*
Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

54 Island Road, Map 22, Lot 16C – Daniel Auditore

BS: This is for a detached three car garage. The garage will be 36 x 22 square feet. The application has the approval of the Board of Health, The Conservation Commission and the Fire Department/911.

WB: Is there any plumbing?

KD: There is a \$7,000 estimate on the permit application.

BS: The Board of Health signed off on the application.

JH: Why can he have a bathroom when I was told I could not have a bath in my garage? He has a septic system too.

ASTJ: (after reviewing the documents) ...it does say heating.

JH: The Board of Health wrote right on my application 'no plumbing'.

WB: (the suggestion directed to the Building Inspector, Bill Sanborn) I would suggest asking the Board of Health Agent Elaine Wozny if he can have a bath in a secondary structure so in the future we will know what going to be acceptable.

KJ: I move that we accept the siting of a new building at 54 Island Road, Daniel Auditore for a single structure garage finding it meets the dimensional requirements of the Town of Essex.

The motion was seconded and approved unanimously.


Regular Business

- ❖ Payroll
- ❖ Updates from the Chair
- ❖ Review of Scrivener's Errors in Chapter VI the Zoning Bylaw. The Board approved of making the changes and the edits will be done by the Board Secretary as soon as possible.
- ❖ Board discussion regarding the future Southern Conomo Point Zoning District Definitive Plan Application
- ❖ Board discussion regarding potential warrant articles Town Meeting 2012

Jason Heath made a motion to adjourn the meeting at 8:42 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for March 16, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda - August 17, 2011 - Town of Essex Planning Board Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report or Regular Business

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on September 7, 2011

Meeting Minutes -Town of Essex Planning Board - August 17, 2011

The meeting was called to order at 7:40 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Public Library.

Attendees: Westley Burnham (WB), Andrew St. John (ASTJ), Bill French (BF), Corey Jackson (CJ),
Absent: Kimberly Drake (KD), Jason Heath (JH) **Building Inspector:** Bill Sanborn (BS) - Secretary:
Mary-Ellen L. Feener (MF)

Building Inspector's Report

There were no building permit applications which required review by the Planning Board.

Regular Business

The Board Secretary's payroll was reviewed and signed.

The Board signed an invoice for office supplies from Staples.

The meeting minutes of August 3, 2011 were reviewed. A motion was made to approve the minutes as amended. The motion was seconded and approved unanimously.


WB updated the Board regarding the discussions of the Building Committee.

WB did attend the last meeting of the Long Term Planning Committee meeting to ask the Long Term Planning Committee and the Merchant's Group what they would suggest as a Downtown Initiative Bylaw. Future discussions regarding this topic will be conducted by these committees and recommendations will be made to the Board.

CJ made a motion to adjourn the meeting at 8:05 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for September 7, 2011 at the T.O.H.P. Burnham Public Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda - August 3, 2011 - Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report or Regular Business

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on August 17, 2011

Meeting Minutes -Town of Essex Planning Board – August 3, 2011

The meeting was called to order at 7:31 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Public Library.

Attendees: Westley Burnham (WB), Andrew St. John (ASTJ), Kimberly Drake (KD), Bill French (BF), Corey Jackson (CJ)

Absentees: Dexter Doane (DD), Jason Heath (JH)

Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

Building Inspector's Report

107 Belcher Street - Herman/Brian Patrician - Map 17, Lots 2C & 13-1 - 12 acres

BS: This application is to build a barn for storage. The application has the approval of the BOH and the Con. Com. There will be no interior water connections.

KD: I move that we accept the application of Herman and Brian Patrician for the building of a barn which will have a footprint less than 2,000 square feet and is located at 107 Belcher Street which has the approval of finding of the Conservation Commission and the Board of Health, finding it meets the dimensional requirements and zoning regulations of the Town of Essex.

The motion was seconded and approved unanimously.

Regular Business

The Board Secretary's payroll was reviewed and signed

The meeting minutes of July 20, 2011 were reviewed. A motion was made to approve the minutes as amended. The motion was seconded and approved unanimously.

Westley Burnham did not have an update regarding the Building Committee.

Kim Drake did attend the meeting of the Conomo Point Committee and updated the Board.

Westley volunteered to attend the next meeting of the Long Term Planning Committee.

Andrew St. John shared that the Long Term Planning Committee had not met since the last meeting of the Planning Board.

Andrew St. John made a motion to adjourn the meeting at 8:10 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for September 7, 2011 at the T.O.H.P. Burnham Public Library 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

Agenda – July 20, 2011 – Town of Essex Planning Board – Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report *or Regular Business*

8:00 Southern Conomo Point Zoning District Preliminary Subdivision Plan Application

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on August 3, 2011

Meeting Minutes -Town of Essex Planning Board - July 20, 2011

*The meeting was called to order at 7:38 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.
The public was informed that the meeting was being recorded.*

Attendees: Kimberly Drake (KD), Jason Heath (JH), Westley Burnham (WB), Bill French (BF), Corey Jackson (CJ), Dexter Doane (DD) Andrew St. John (ASTJ) - **Absent:** Jason Heath (JH), Bill French (BF) - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have a Building Permit Application which would require the review or approval by the Planning Board so there was no Building Inspector's Report this evening.

Regular Business

Payroll

Reviewed and signed.

Meeting Minutes

A motion was made by CJ to approve the meeting minutes of July 6, 2011 as amended. The motion was seconded and approved unanimously.

Board Discussion - Community Preservation Committee

KD will visit Town Hall one day this week and be sworn in by the Town Clerk as a CPC committee member.

Board Discussion - Building Committee Update

WB stated that the committee did meet and discussed the rough estimates to update the current Town Hall. The estimate to replace the windows was \$1.6 million and to update the interior was approximately \$3.2 million. There was also discussion regarding expanding the current footprint of the building which is currently used by the Town and the Library. There was discussion regarding the building for sale on Western Avenue where the Lahey medical clinic had been located. The committee's estimate of the building was that it would need a significant amount of work to update the building so it could be offices for the Town employees/departments and the current list price is in the mid \$600,000 range. The committee also discussed that the site work and the cost for a potential building on the lot the owned by the Town on John Wise Avenue.

Board Discussion - Conomo Point Committee

KD said there had not been a meeting of this committee since the last time the Planning Board meeting.

Board Discussion - Long Range Planning Committee Update

ASTJ said the committee had met and they had discussed the potential of hiring a planner to assist with proposal.

Southern Conomo Point Zoning District Preliminary Plan Application

The Board reviewed the draft decision written by the Board Chair. As the Vice Chair, KD had reviewed the document during the week and she had suggested a few edits.

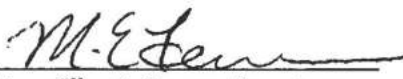
KD: I move that we approve the Preliminary Subdivision Plan Application for the Southern Conomo Point Zoning District, the applicant is the Town Administrator, Brendhan Zubricki on behalf of the Town of Essex Board of Selectmen, for the land which is located south of Robin's Island Road submitted on June 13th 2011 to the Town Clerk and received by the Essex Planning Board on June 15th with the conditions and waivers as written in the Planning Board decision dated July 20, 2011 which was reviewed and approved unanimously by the Board during the regularly scheduled meeting on July 20, 2011. (a copy of the decision will be attached to these meeting minutes)

The motion was seconded and approved unanimously.

Corey Jackson made a motion to adjourn the meeting at 8:15 p.m. and the motion was seconded and approved unanimously.

The next meeting is scheduled to be held on August 3, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda - July 6, 2011 - Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report *or Regular Business*

8:00 Southern Conomo Point Zoning District Preliminary Subdivision Plan Application
Presented by Nicholas Cracknell, AICP

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on July 20, 2011

Meeting Minutes -Town of Essex Planning Board - July 6, 2011

The meeting was called to order at 7:45 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. The public was informed that the meeting was being recorded.

Attendees: Kimberly Drake (KD), Jason Heath (JH), Westley Burnham (WB), Bill French (BF), Corey Jackson (CJ), Dexter Doane (DD) **Absent:** Andrew St. John (ASTJ)

Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

20 Harlow Street Map 15, Lot 28

BS: This application is review by the Board for a 20 x 30 addition to an existing dwelling as well as a 20 x 12 deck. The applicant has the approval of the DPW/Wastewater, Fire Department/911 and the Conservation Commission.

The Board reviewed the plans. The Board confirmed that the Building Inspector's assessment that the proposed work to the dwelling is conforming and did not require any further action by the Board.

20 Winthrop Street - Map 36 Lot 32

BS: This is for an addition of a 5 x 10" half bath on the first floor to be located off of a hallway. The application has the approval of the DPW/Wastewater, Fire Department/911 and the Conservation Commission.

KJ: I move that we accept the permit of 20 Winthrop Street finding it meets the requirements of 6-4.2 finding and that it meets the requirements of the Town of Essex Bylaws and that it receives the approval of the Conservation Commission.

The motion was seconded and approved unanimously.

Regular Business

Payroll

Reviewed and signed.

Meeting Minutes

A motion was made by KD to approve the meeting minutes of June 15, 2011 as amended. The motion was seconded and approved unanimously.

Board Discussion - Community Preservation Committee

KD received a card from the Selectmen stating that she was nominated to be on the CPC and that she should go to Town Hall in order to be sworn in. JH stated that he would gladly step down as the Planning Board representative for this committee if KD agreed to be the new Board representative.

Board Discussion - Building Committee Update

WB stated that there should be a meeting of the Building Committee soon. (On the general calendar on the Town web site state that the meeting will be held on July 12, 2011 at 7 p.m.)

Board Discussion - Conomo Point Committee

KD said that the Town would be asking for funds at the upcoming Special Town Meeting in the fall to request funds for a Planner Consultant to review Northern Conomo Point.

Board Discussion - Long Range Planning Committee Update

ASTJ, the Planning Board representative for his committee was absent from the meeting this evening so there were no updates.

Board Discussion - New Business

Board Discussion - Old Business

Updates from the Chair

WB did not have any updates for the Board other than topics already discussed

Southern Conomo Point Zoning District Preliminary Plan Application

Nicholas Cracknell (NC), AICP, presented a history of his involvement as a Planner Consultant for the proposed Southern Conomo Point Zoning District.

The Board asked about the areas labeled 'parcels'. NC explained that though currently they are labeled 'parcels', in the future the parcels potentially could be considered to be buildable lots due to the fact they meet the zoning requirements. He further stated that the Town and the Selectmen would determine the use of the parcels.

KD stated that the parcels could potentially be designated as lots labeled 'not a buildable lot'.

WB said that at the 2011 Town Meeting one of the suggestions proposed was an Owner Association which would have a maintenance agreement for the streets.

WB further stated that one of the questions he would want resolved prior to agreeing to the proposed waivers of the proposed subdivision plan would be if there was going to be a maintenance agreement for a new Home Owner's Association so that the cost of the street maintenance would not be put upon the Town.

NC stated that if the Town kept the lots and maintained ownership of them then the Town would be required to actively participate as a member of the Home Owner's Association

Bruce Fortier, ___ Southern Avenue, interrupted the discussion and said that the Planning Board does not have to look at the entire map lot by lot because at the 2011 Town Meeting all that was approved was a zoning district.

Board of Selectmen Member, Jeff Jones asked why the Planning Board was asking about a road maintenance agreement and why the waivers were brought up.

WB said that many of the waivers had to do with the roads and that the Planning Board has required that the standards were brought up to the current requirements with almost all the approved subdivisions in the past 15 years.

WB said to NC that one of the past discussions he remembered was that the main road of Conomo Point would be owned by the Town and the other roads would be private roads which would require a Home Owner's Association.

Board of Selectmen Member Jeff Jones said that the only discussion the Selectmen had with the Department of Environmental Protection was regarding septic systems not road maintenance.

Board of Selectmen Member Susan Gould-Coviello said that as a past member of the Conomo Point Committee she did not recollect any discussion regarding the roads or road maintenance.

NC stated that many of the roads had been already accepted by the Town.

KD asked if the Board could move on and discuss the maintenance of the road as a Board since the Board understands that it will be a topic of discussion in the future.

NC proceeded to review the proposed plan.

NC pointed out a nub in the road where Cogswell Court ends so that vehicles could turn around.

WB explained that the fire trucks would want to make sure they are able to turn around but that would be addressed in a Definitive Plan Application.


WB reviewed the time line for the review of the Preliminary Plan Application with the Board.

The Board reviewed the plan and the requested waivers.

Dexter Doane made a motion to adjourn the meeting at 9:58 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled to be held on June 20, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda – June 15, 2011 – Town of Essex Planning Board – Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report or Regular Business

8:00 Southern Conomo Point Zoning District Preliminary Subdivision Plan Application
Presented by Nicholas Cracknell, AICP

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion - 2012 Town Meeting
- Board Discussion - New Business
- Board Discussion - Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on July 6, 2011

Meeting Minutes -Town of Essex Planning Board – June 15, 2011

The meeting was called to order at 7:31 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Public Library.

Attendees: Westley Burnham (WB), Andrew St. John (ASTJ), Kimberly Drake (KD), Absentees: Bill French (BF), Corey Jackson (CJ) Absentees: Dexter Doane (DD), Jason Heath (JH)

Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have an application which required review or approval by the Planning Board.

Regular Business

The Board Secretary's payroll was reviewed

The meeting minutes of June 1, 2011 were reviewed. A motion was made to approve the minutes as amended. The motion was seconded and approved unanimously.

Board Discussion regarding the Southern Conomo Point Zoning District Preliminary Plan Application

The Board discussed the process for the application.

The Board discussed the fee for the Preliminary Plan Application and the required fee. The Chair read a statement regarding the fee.

WB: I propose that the application fee to be waived with condition the Board of Selectmen assume the responsibility for all expenses incurred during the review process of this plan. Expenses may include but not limited to all advertising and independent consultants or other experts as the Board deems necessary.

A motion was made to approve the statement by Andrew St. John, the motion was seconded and the Board agreed unanimously to waive the application fee.

- Andrew St. John will not be able to attend the Regularly Scheduled Planning Board Meeting on July 6, 2011 meeting.
- Westley Burnham did not have an update regarding the Building Committee.
- Kim Drake did attend the meeting of the Conomo Point Committee and updated the Board on discussions.

Southern Conomo Point Zoning District Preliminary Plan Application

The Board reviewed the application and the plans with the requirements as stated in the Subdivision Rules and Regulations of the Town of Essex Planning Board.


Kim Drake requested plans which would show the line types so that they would be clearer and show the wetlands better.

The Chair asked if the Planner Consultant would attend the regularly scheduled meeting on July 6, 2011.

Andrew St. John made a motion to adjourn the meeting at 8:36 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for July 6, 2011 at the T.O.H.P. Burnham Public Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda – June 1, 2011 – Town of Essex Planning Board – Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report or Regular Business

7:55 Amend Site Plan Review – 67 Apple Street – Josh Taylor

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – Nomination and Vote for Vice Chair
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn - Next regular Planning Board Meeting will be on June 15, 2011

Meeting Minutes -Town of Essex Planning Board - June 1, 2011

The meeting was called to order at 7:34 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. The public was informed that the meeting was being recorded.

Attendees: Kimberly Drake (KD), Jason Heath (JH), Westley Burnham (WB), Bill French (BF), Corey Jackson (CJ), Andrew St. John (ASTJ) **Absent:** Dexter Doane

Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

52 Martin Street - Gabriel Rossi - Map 36, Lot 88

BS: This application is to connect two existing dwellings with an addition. The application has the approval of the DPW/Wastewater, the Con. Com. and the Fire Department 911.

The Board reviewed the plans. The Board confirmed that the footprint of the combined dwellings would not exceed 2,500 square foot print.

ASTJ: I move that we approve the Building Permit Application of Gabriel Rossi of 52 Martin Street finding that the proposed use will not be more substantially detrimental as stated under the Town of Essex Bylaw 6-4.2 and finding that it meets all of the Town of Essex Bylaws and has the necessary approvals.

The motion was seconded and approved unanimously.

69 Choate Street, Map 16, Lot 9 - Karin and Gregory Carol

BS: This application is for the renovation of the existing barn on the property to convert to a single family home. The application is also for an addition to be added for living space with a small foundation. The Application has the approval of the DPW/Wastewater, Conservation Commission and the Fire Department 911.

The Board questioned if this application would require a Site Plan Review. Westley suggested that the previous use was abandoned when the subdivision was approved and that a Site Plan Review would not be required.

JH: I move we make a motion to approve the application for the renovation of the existing barn on the property to convert to a single family home. The application is also for an addition to be added for living space with a small foundation. The Application has the approval of the DPW/Wastewater, Conservation Commission and the Fire Department 911 finding that it meets all of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

67 Apple Street - Josh Taylor

The Building Inspector explained to the Board that due to the fact that the plan was being modified with a few changes since September 1, 2010 which was when the applicant presented and the Board approved his application for Site Plan Review he had suggested that the owner bring his changed plan to the Board to ask if it would need to be reviewed again by the Board as a modification to the original Site Plan Review.

The Board reviewed the changes to the plan. One proposed change was the addition of a boiler room and the second proposed change was the addition of a sunroom.

The Board discussed the fact that in September 2010 they had determined that the proposed Site Plan met the criteria of what is required under the Town of Essex Bylaw 6-3.4.4 The Board agreed that the proposed changes would not be visible from the street so the proposed changes did not affect the community and the neighborhood character and in all other ways the proposed changes continued to meet the criteria found in Bylaw 6-3.4.4. The Board unanimously agreed that no further action by the Board was necessary due to the fact the changes were minor ~~enough~~ and that a Site Plan Review Amendment was not required.

The motion was seconded and approved unanimously.

Regular Business

Payroll

Meeting Minutes

A motion was made by Jason Heath to approve the meeting minutes of May 18, 2011 as amended. The motion was approved unanimously.

Vice Chair Position

Kim Drake was nominated for Vice Chair. The Board voted unanimously for Kim to be the Vice Clerk. Kim handed her key to Town Hall to Westley and the Board Secretary will ensure that the Selectmen's Clerk is aware of the key exchange.

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

The Committee did do a site visit of a potential building that has the potential to be used for Town Hall Department use. The property is located on Western Avenue which is currently for sale. The Committee has not discussed the property any further.

Board Discussion - Conomo Point Committee - The Committee will be meeting Thursday.

Board Discussion - Long Range Planning Committee Update

Andrew gave the Board an overview of the Long Term Planning Committee Report. He stated that the Committee is going to be asking for Professional Consulting assistance. Andrew suggested that the Committee take on the role of suggesting potential bylaws and then the Planning Board could then edit and discuss what was being proposed.

Board Discussion - New Business

Board Discussion - Old Business

Jason Heath made a motion to adjourn the meeting at 8:10 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled to be held on June 15, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

Agenda - May 18, 2011 - Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report *or Regular Business*

8:00 Continuation of Public Hearing for TBD Essex Park Drive Definitive Subdivision Plan Application

Regular Business

Correspondence

Payroll & Invoices

Meeting Minutes

Updates from the Chair

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

Board Discussion - Conomo Point Committee

Board Discussion - Long Range Planning Committee Update

Board Discussion - 2011 Town Meeting

Board Discussion - 2012 Town Meeting

Board Discussion - Welcome New Board Member(s)

Board Discussion - Nominations and Votes for Board Chair, Vice Chair, Clerk, Vice Clerk

Board Discussion - New Business

Board Discussion - Old Business

Meeting to Adjourn

Meeting Minutes -Town of Essex Planning Board – May 18, 2011

The meeting was called to order at 7:34 p.m. by Vice Chair, Andrew St. John and was held at the T.O.H.P. Burnham Library. The public was informed that the meeting was being recorded.

Attendees: Jason Heath (JH), Dexter Doane (DD) Westley Burnham (WB), Bill French (BF), Andrew St. John (ASTJ), Corey Jackson (CJ) – Absentee: Kimberly Drake

Building Inspector: Bill Sanborn (BS) – **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

30 Water Street – Map 38 Lot 31 – Lori Henderson

BS: This is going to require a 6-4.2 Finding (*Town of Essex Bylaws Chapter VI*) to add a second floor to the front of the house and make a full shed dormer in the back of the second floor. The house is non-conforming. The footprint is not going to change. It has the approval of Wastewater/DPW, Conservation Commission and Fire Department 911.

WB: It isn't increasing any non-conformity?

BS: I don't think it is because it isn't increasing the footprint.

The Board reviewed the plans.

WB: I move we approve the second floor addition for 30 Water Street, owner of record, Lori Henderson finding that the proposed building modifications are not more substantially more detrimental to the neighborhood than what presently exists.

The motion was seconded and approved by a majority. Board Member Dexter Doane recused himself from voting and any discussion.

7 Lowland Farm Road – Map 9 Lot 12 I

Apple Street Nominee Trust, Nicholas Van Wyck Trustee, Owner – Jay McNiff, Applicant and Buyer

BS: These are two Building Permits Applications for the siting of two foundations on one lot which is allowed for this parcel. The applicant is Jay McNiff who is purchasing the land and I believe, he is using one site to build his own house. I have an email from Paul Goodwin (*Superintendent of the DPW*) who would not sign off on the Building Permit Application because he said they did not require a sign-off but in his email he states that the property does not require a curb cut approval and there is Town water available for these dwellings. The applications have the approval of the Board of Health and the Conservation Commission. These applications do not fall under the rules of Site Plan Review; at least not until May 25th (2011). I can't tell you exactly what happens on May 25th. Town Council did not say what would happen, other than they would need to review it at that time.

JH: I move that we approve the two Building Permit Applications for two foundations as shown on plan dated 4-6-11, located at 7 Lowland Farm Road, Map 9 Lot 12 I. The applicant and buyer is Jay McNiff and the owner and seller is Apple Street Nominee Trust, Nicholas Van Wyck Trustee.

The motion was seconded and approved unanimously.

Regular Business

- **Payroll & Invoices**
- The **Meeting Minutes** of May 18, 2011 were reviewed. A motion was made to approve the minutes as amended; the motion was seconded and approved unanimously.
- **Board Discussion - Community Preservation Committee** – The committee is going to meet on an annually.
- **Board Discussion - Building Committee Update** – The committee will be meeting soon to discuss and view a local property that may be available to purchase for potential Town use.
- **Board Discussion - Conomo Point Committee**
- **Board Discussion - Long Range Planning Committee Update**

- **Board Discussion – Board Clerk and Chair Position**

Clerk

Corey Jackson was nominated to be Clerk. The motion was seconded and approved unanimously.

Vice Clerk

Bill French was nominated to be Clerk. The motion was seconded and approved unanimously.

Chair

A motion was made to nominate Westley Burnham for Chair.

A motion was made to nominate Kim Drake for Chair.

Each Board Member voted. There were four votes for Westley Burnham and two votes for Kim Drake. Westley will be the new Planning Board Chair.

The Board decided to wait until the next meeting when Kim Drake could attend to nominate and vote for Vice Chair.

Continuation of a Public Hearing

TBD Essex Park Drive Definitive Subdivision Plan Application – Apple Street Nominee Trust, Applicant Attorney Orestes Brown representing the owner and the Engineer John Morin of Neve Morin Group present

Chair, Westley Burnham opened the Public Hearing at 8:09 p.m. There were no other citizens present at the meeting.

Attorney Brown stated that the applicant is going to request a continuation of the Public Hearing due to the required engineering work required by National Heritage and the fact that the applicant had to hire a new engineer.

Westley Burnham asked if the applicant and the engineer would truly be ready to present a plan in October.

Westley asked John Morin to give an update approximately a month and a half prior to October 5th, 2011.

The Board agreed to continue the Public Hearing to October 5, 2011 at 8 p.m.


ASTJ: I make a motion to continue the Public Hearing for TBD Essex Park Drive Subdivision Plan to October 5, 2011.

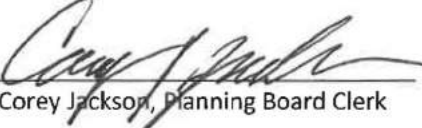
The motion was seconded and approved unanimously.

Jason Heath made a motion to adjourn the meeting at 8:42 p.m. and the motion was seconded and approved unanimously.

The next Planning Board Meeting is scheduled for June 1, 2011 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:


Mary-ellen L. Feener, Secretary


Corey Jackson, Planning Board Clerk

May 4, 2011

There was no Planning Board Meeting on May 4, 2011 due to the fact that the 2011 Town Meeting could have potentially gone longer than the two evenings and notices had to be posted for the meeting if it was to be cancelled or held within the timeframe required by Mass General Law.


Mary-Ellen Feener, Planning Board Secretary

Agenda – April 20, 2011 – Town of Essex Planning Board – Draft

To be held at the T.O.H.P. Burnham Public Library, 30 Martin St., Essex MA

7:30 Building Inspector's Report *or Regular Business*

8:00 Regular Business

Regular Business

Correspondence

Payroll & Invoices

Meeting Minutes

Updates from the Chair

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

Board Discussion - Conomo Point Committee

Board Discussion - Long Range Planning Committee Update

Board Discussion – Town Meeting

Board Discussion – Open Seat(s) on Board

Board Discussion – New Business

Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on May 18, 2011

Meeting Minutes -Town of Essex Planning Board – April 20, 2011

The meeting was called to order at 7:38 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library. The public was informed that the meeting was being recorded.

Attendees: Kimberly Drake (KD), Jason Heath (JH), Dexter Doane (DD) Westley Burnham (WB), Bill French (BF), Scottie Robinson (SR) **Absentees:** Dexter Doane, Andrew St. John - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

11 Choate Street – Michele Meyer – Map 22, Lot 1

BS: This application is to tear down the existing dwelling and rebuild a new three bedroom dwelling with a one bedroom apartment above the garage. The house will be 2,600 square feet and the garage is 1,000 square feet. It has the approval of the Fire Department/911, the Board of Health, and the Conservation Commission.

The Board reviewed the plans and the footprint of the dwelling and the garage would exceed a 2,500 square foot print. The Board determined that it would require a Site Plan Review.

WB: I move that we approve the Building Permit Application for the demolition and reconstruction of the existing dwelling at 11 Choate Street having reviewed Site Plan Review and the Board made one recommendation for Erosion Control to silt fences on the disturbed land on the downhill side of excavation finding it meets the Town of Essex Bylaws and Site Plan Review.

The motion was seconded and approved unanimously.

69 Choate Street, Map 16, Lot 9 - Keystone Development

BS: You may remember that this permit was before the Board before and there was questions regarding the road. The owners have recorded the Maintenance Agreement with the Registry of Deeds. The land is Registered Land so they had to record it with Land Court.

WB: I move we approve the siting of new construction at 69 Choate Street, Map 16, Lot 9, finding it meets the appropriate requirements of the Town of Essex Zoning Bylaws and that there has been a Road Maintenance Agreement recorded with the Registry of Deeds.

The motion was seconded and approved unanimously.

63 Wood Drive – Map 4, Lot 108C - Jason Heath

Board Member Jason Heath recused himself from Board Discussion and voting

BS: This is for a 28 x 36 accessory barn at 63 Wood Drive. This application has the approval of the Board of Health and reviewed by the Fire Department 911.

WB: I move that we approve the siting of a 28 x 36 square foot accessory barn at 63 Wood Drive finding it meets the appropriate requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Regular Business

A motion was made and seconded to approve the meeting minutes of March 16, 2011 and April 6, 2011 as amended.

Payroll & Invoices

Meeting Minutes

Updates from the Chair

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

Board Discussion - Conomo Point Committee

Board Discussion - Long Range Planning Committee Update

Board Discussion – Town Meeting

Board Discussion – Open Seat(s) on Board


Board Discussion – New Business

Board Discussion – Old Business

Jason Heath made a motion to adjourn the meeting at 8:36 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for May 20, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Dexter Doane, Planning Board Clerk

Agenda – April 6, 2011 – Town of Essex Planning Board – Draft

7:30 Building Inspector's Report *or Regular Business*

8:00 Soginese Creek Realty Trust– Soginese Road Modification to an ANR - *or Regular Business*

Regular Business

Correspondence

Payroll

Meeting Minutes

Updates from the Chair

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

Board Discussion - Conomo Point Committee

Board Discussion - Long Range Planning Committee Update

Board Discussion – Town Meeting 2011

Board Discussion – Town Meeting 2012

Board Discussion – Open Seat(s) on Board – 2011 Election

Board Discussion – New Business

Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on April 20, 2011

Draft - Meeting Minutes -Town of Essex Planning Board – April 6, 2011

The meeting was called to order at 7:32 p.m. by Chair, Kimberly Drake and was held at the Essex Elementary School.

Attendees: Andrew St. John (ASTJ), Jason Heath (JH), Kimberly Drake (KD), Scottie Robinson (SR), Westley Burnham (WB) **Absentees:** Dexter Doane, Bill French, **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permits to present to the Board.

Regular Business

- Westley Burnham made a motion to cancel the Regularly Scheduled May 4th meeting of the Planning Board due to the 2011 Town Meeting. The motion was seconded and approved unanimously.
- Andrew St. John will not be able to attend the Regularly Scheduled Planning Board Meeting on May 18th meeting. Jason Heath is not sure he will be able to attend the May 18th meeting. He will be able to confirm.
- Payroll
- Westley Burnham presented the Board with an update of the Building Committee.
- Kim Drake did not attend the last meeting of the Conomo Point Committee meeting but she did attend the most recent Board of Selectmen meeting where the Selectmen and the members of the Conomo Point Committee had an indepth discussion.
- The Board of Appeals hearing notice regarding 45 Lufkin Point Road was reviewed by the Board.
- The budget approved by the Finance Committee was reviewed by the Board.
- The Long Range Planning Committee met recently and discussed many of the small issues regarding the down town initiative and the work being done to the causeway.
- Town Meeting 2011 Board Discussion.

Soginose Creek Realty Trust

Attorney Mark Glovsky and Peter Madsen

Attorney Glovsky explained that Land Court requested that a minor change was made to the plan regarding the fee in the road owned by Emmons but not the use of the road.

Andrew St. John made a motion to endorse the modifications to the ANR as requested by the applicant. The motion was seconded and approved unanimously.

Jason Heath made a motion to adjourn the meeting at 8:25 p.m. The motion was seconded and approved unanimously.

Next meeting is scheduled for April 20, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Dexter Doane, Planning Board Clerk

Agenda – March 16, 2011 – Town of Essex Planning Board – Draft

- 7:30 Building Inspector's Report or *Regular Business*
- 8:00 Continuation of Public Hearing Definitive Subdivision Plan TBD Essex Park Drive or ANR Application of 63 Wood Drive or *Regular Business*
- 9:15 ANR Application 63 Wood Drive

Regular Business

- Correspondence
- Payroll
- Meeting Minutes
- Updates from the Chair
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Town Meeting
- Board Discussion – Open Seat(s) on Board
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on April 6, 2011

Meeting Minutes -Town of Essex Planning Board – March 16, 2011

A quorum was present so Jason Heath nominated Westley Burnham to act as Acting Chair. The motion was seconded and approved unanimously. The meeting was called to order at 7:30 p.m. by Acting Chair Westley Burnham.

Attendees: Andrew St. John (ASTJ), Jason Heath (JH), Dexter Doane (DD) Westley Burnham (WB), Bill French (BF), Scottie Robinson (SR) **Absentee:** Kimberly Drake-**Building Inspector:** Bill Sanborn (BS)-**Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

55 John Wise Avenue - Map 18 Lot 6B – Curlew Cove Realty Trust, Judd Lane Trustee

Dexter Doane recused himself from the vote and moved his chair back

BS: This application is to build a 40 x 50, (2,000 square feet footprint) 2 ½ story timber frame barn with walkout foundation to replace existing barn. New Building will be used for first floor retail use and farm equipment storage. This has the approval of the Board of Health and the Conservation Commission.

The Board reviewed the plans and the application.

SR: I approve the siting and construction of a new barn and the demolition of the existing barn which will be a 40 x 50, 2 ½ story timber frame barn with walk out foundation to replace the existing barn which will be put 22 feet west of the current barn citing and the proposed use is the same use as the current use which is a business.

The motion was seconded and approved.

Continuation of Public Hearing for TBD Essex Park Drive Subdivision Plan

Vice Chair, Andrew St. John opened the public hearing at 8:00 p.m. There was no one present at the Public Hearing other than the Board Members.

Andrew St. John read the letter submitted to the Board by the Applicants requesting a Continuation of the Public Hearing to the second scheduled meeting of the Planning Board during the month of May. The Board agreed to the continuation of the public hearing to May 18, 2011 at 8 p.m.

Regular Business

- A motion was made by to approve the meeting minutes of March 2, 2011 as amended. The motion was seconded and approved unanimously.
- Bills Payable
- Payroll

63 Wood Drive - Richard Clark, EP Associates – ANR – Jason Heath, owner

Jason Heath recused himself from discussion or vote.

The Board reviewed the plans. The Board did note the fact that the setbacks due to the change in the lot line would improve the conformity.

WB: I make a motion to endorse the ANR Application and Plan for 73 Wood Drive.
The motion was seconded and approved.

Dexter Doane made a motion to adjourn the meeting at 8:58 p.m. and the motion was seconded and approved unanimously.

The next meeting is scheduled for March 16, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Dexter Doane, Planning Board Clerk

Agenda – March 2, 2011 – Town of Essex Planning Board – Draft

Essex Elementary School, 12 Story Street, Essex MA

- 7:30 Building Inspector's Report or *Regular Business*
- 8:00 Public Hearing at the Essex Elementary School, 12 Story Street, Essex MA, in accordance with M.G.L. c. 40A, s. 5, relative to: Article XX - That the Town of Essex amend the current Zoning Bylaw of the Town of Essex (hereinafter the "Zoning Bylaw") by inserting the following Section 6-14 entitled "Open Space Residential Development" into Chapter VI of the Zoning Bylaws, and any subsequent sections accordingly, or act on anything relative thereto.
- 9:15 Board Discussion regarding recommendation(s)/report(s): SCPZD Proposed Bylaw and OSRD Proposed Bylaw

Regular Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on March 16, 2011 at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

Meeting Minutes -Town of Essex Planning Board – March 2, 2011

The Meeting was called to order at 7:32 p.m. by Chair, Kimberly Drake and was held at the Essex Elementary School.

Attendees: Andrew St. John (ASTJ), Jason Heath (JH), Kimberly Drake (KD), Dexter Doane (DD)
Absentees: Westley Burnham, Bill French, Scottie Robinson - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

69 Choate Street - Lot 8 - Assessors Map 16 Lot 9 – Keystone Development

BS: This is for the siting of a new four bedroom dwelling. There isn't a common driveway to access the lot on which the dwelling will be built but there is a common driveway which passes over this driveway for the other abutting lots. The application has the approval from the DPW (Department of Public Works) for a curb cut, the DPW for wastewater, the Board of Health, the Conservation Commission and the Fire Department/ 911.

KD: I would like to see that there is a signed agreement so that the neighbors do not have future concerns or issues with their driveway.

JH asked if the Board could approve the siting of the building subject to the agreement being signed. BS stated that he would make sure that applicant recorded the easement document with the Registry of Deeds prior to issuing a building permit.

The Board reviewed the site plans. Kim requested that the plans show erosion control.

Jason asked the square footage of the dwelling. The Board calculated that it would be less 2,500 square feet (*dwelling with a footprint over 2,500 square feet require Site Plan Review*).

The final conclusion of the Building Inspector and the Board was that they were in agreement regarding the fact that the applicant would need to share with the Building Inspector and the Board documentation which would support the fact that the driveway easement of the lot where the new dwelling would be sited and the abutting lots and the common driveway to access these abutting lots would not be a future concern. They also agreed that this documentation would need to be presented with the Building Permit Application and the Site Plan prior to any approvals being granted.

Regular Business

Payroll was reviewed and signed

Report to Town Meeting – Article X Southern Conomo Point Zoning District

The Board is required to write a Report for Town Meeting regarding the Proposed Warrant Article X: Southern Conomo Point Zoning District for Town Meeting 2011.

The Chair, Kim Drake, presented the Draft Report to the Board.

Board Members reviewed and discussed the Report and one or two minor edits were agreed upon.

ASTJ: I move that we approve the Report to Town Meeting – Article X Southern Conomo Point Zoning District. The motion was seconded and approved unanimously.

Meeting Minutes February 16, 2011

The Board reviewed the meeting minutes of February 16, 2011.

JH made a motion to approve the meeting minutes as amended. The motion was seconded and approved unanimously.

Public Hearing Article XX – Proposed Bylaw Open Space Residential Design (OSRD)

No one attended the Public Hearing.

KD: I am going to open the Public Hearing for the OSRD. It is 8:08 p.m.

Vice Chair, Andrew St. John presented to the Board a brief synopsis of the Proposed OSRD Bylaw.

The Board discussed the OSRD Proposed Bylaw.

ASTJ made a motion at 8:28 p.m. to close the Public Hearing. The motion was seconded and approved.

Board Discussion

ASTJ, KD, and DD stated that they did not have concerns with presenting the OSRD Proposed Bylaw as a Warrant Article at the 2011 Town Meeting.

JH was hesitant to agree with them. His concerns were that not one citizen attended the Public Hearing this evening which could indicate there wasn't any support for such a Warrant Article.

He further stated that he was concerned that an OSRD Warrant Article may not receive the attention by the citizens of Essex it should receive due to the fact that the majority of the public focus would be on the Proposed Southern Conomo Point Zoning District Warrant Article.

KD shared information which was that she had been told that potentially the Southern Conomo Point Zoning District Warrant Article may be presented at Town Meeting on a separate night from the other proposed Warrant Articles. ASTJ said that he had been told last night that it now was not going to be on a separate night.

ASTJ and KD also pointed out to the newer Board Members present (DD, JH) that an OSRD Bylaw had been proposed in the past and that Public Hearings had been held and Essex citizens had attended and shared their thoughts and suggestions and that the Board had taken into consideration their suggestions and some of them had been incorporated into the OSRD presented this evening.

A majority of the Board agreed to propose the OSRD Bylaw as a proposed Warrant Article:

Dexter Doane: I am in favor of this proposed bylaw.

Kim Drake: I am in favor of proposing the OSRD Bylaw as a Warrant Article.

I, Jason Heath, am not in favor.

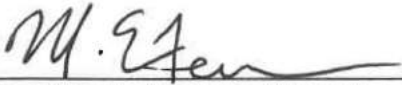
I, Andrew St. John, am in favor of proposing this bylaw because I believe it would be beneficial for the Town.

Kim volunteered to write the Report to be presented at Town Meeting and the Board Secretary will send the template to Kim in the morning.

Jason Heath made a motion to adjourn the meeting at 8:42 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for March 16, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Dexter Doane, Planning Board Clerk

Agenda – February 16, 2011 – Town of Essex Planning Board – Draft

Essex Elementary School, 12 Story Street, Essex MA

- 7:30 Building Inspector's Report *or Regular Business*
- 8:00 Public Hearing at the Essex Elementary School, 12 Story Street, Essex MA, in accordance with M.G.L. c. 40A, s. 5, relative to: Article X - The Addition of a Southern Conomo Point Zoning District.

Regular Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on March 2, 2011 at the Essex Elementary School

Meeting Minutes -Town of Essex Planning Board – February 16, 2011

The meeting was called to order at 7:30 p.m. by Chair, Kimberly Drake and was held at the Essex Elementary School.

Attendees: Andrew St. John (ASTJ), Jason Heath (JH), Scottie Robinson (SR), Kimberly Drake (KD), Bill French (BF), Dexter Doane (DD), Westley Burnham (WB)

Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have an application which required review or approval by the Planning Board.

Regular Business

The Board Secretary's timesheet and one invoice were reviewed and signed.

Meeting Minutes

The Board reviewed the meeting minutes of February 2, 2011. **Andrew** made the motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

Open Seat – Planning Board

Scottie will not be running for re-election so there will be an open seat on the Planning Board. There are two open seats on the Board. One seat is for a five year commitment and the other seat is for a two year commitment.

Community Preservation Committee

Jason did go to the T.O.H.P. Library on the evening last week when the Committee was scheduled to meet. However, there was not a quorum of Committee Members so the meeting could not be held.

MAPC

Kim shared with the Board an overview of an email regarding new grants being offered by the MAPC. She believed the application deadline was January 31, 2011. **Kim** said she would contact **Mark Racoit** of the MAPC to confirm the deadline had passed and inquire if there were other grants available.

Corridor Advisor Group of the Scenic Byway

Bill Holton, former Board Member was the representative for this Committee and the Committee has requested that another Board Member volunteer to participate with their group. No Board Member volunteered.

Conomo Point Committee

Kim stated that the Committee was not able to hold the scheduled meeting last week due to a lack of quorum of Committee Members. The Committee recently has been preparing memos for the Board of Selectmen with their recommendations for the Draft Northern Conomo Point Zoning District.

Building Committee Update

Westley said the Board is currently working with Reinhardt Associates and that the next meeting is not yet scheduled but should be held during the beginning of March.

Long Range Planning Committee

Andrew shared with the Board that the Committee has not met since the last meeting of the Planning Board.

Essex Board of Selectmen

As the Board Member designated to participate with the Board of Selectmen at their meetings, **Andrew** stated that he did attend the last meeting of the Board of Selectmen and it was informative.

Planning Board Schedule

To date, **Westley** is the only Board Member who cannot attend the March 2nd Planning Board Meeting.

Public Hearing Proposed Southern Conomo Point Zoning District Warrant Article for Town Meeting 2011

Chair, Kim Drake opened the Public Hearing at 8:00 p.m. She read the Preamble for Public Hearings and shared with the Public an overview of the process for a Public Hearing for a Proposed Warrant Article. **Kim** then shared the history of the Proposed Southern Conomo Point Zoning District Warrant Article.

Charles Burnham, 30 Southern Avenue, asked if the Board could expand on the 'Pre-Existing Non-Conforming' section as it refers to the existing Bylaws.

Kim explained that Bylaw 6-4.2 addresses Pre-Existing Non-Conforming dimensional requirements for properties that were in existence prior to the State and the Town adopting Zoning Regulations.

Mark Lynch, 16 County Road, Conomo Point Committee Chair, stated the language regarding Non-Conforming Use was included in the Southern Conomo Point Zoning District Proposed Bylaw due to requirements of Massachusetts State Law.

Gilbert Guerin, Belcher Street asked how the Planning Board would explain to the Town the harmful things that could happen with these regulations. He said that it would not be fair that the rest of the Town would not be able to follow the smaller lot requirements.

He went on to ask how the Board could approve of the Proposed Southern Conomo Point Zoning District Warrant Article in light of the fact that the sewerage is poor (on Conomo Point) and due to the fact that he was not aware of any tests supporting that there could be good sewerage soil, and that there is only seasonal water other than the homes with wells or cisterns.

He further stated that In light of the fact that many of these properties in the year round house district are going to be 'forever houses' that these homes could possibly be a burden to the Town due to the fact they will increase the population and be a burden to the schools.

He said that eventually the Town may be required to run sewerage and asked what if the Town will be required to build a Sewage Plant.

Gil Guerin's last comment/question was, 'how can you 'Grandfather' lots that have never been in existence?'

Charles Burnham said he was concerned and asked why the Town does not continue leasing the land; then there would be no need for this (the SCPZD Proposed Zoning District).

Westley answered that the only reason the Planning Board is presenting the SCPZD Proposed Zoning District is so that the Town will be able to sell the lots and under Massachusetts General Law Section 41 Regarding Subdivision Control Law it is required. The Planning Board was presenting this Proposed Warrant Article so in the future so the Subdivision Process could move forward.

Kim added to the statement that by presenting the SCPZD Proposed Warrant Article did not mean the Planning Board agreed with the Proposed Article but that it was a necessary step in order to comply with the subdivision process.

Mark Lynch answered **Gil Guerin's** question regarding the soil testing for septic and stated that DEP has stated that they will support the installation of septic systems on the land and that the Town. He further stated that the Town would not be required to install any type of sewerage on Conomo Point.

Kim pointed out that there would not be an increased density of what is currently located in the Proposed District.

George Marsh, 14 Lowe Hill Road, Conomo Point Committee Member, said he had three questions (though he asked two questions and then declined to ask anything else).

First, he asked would the Board vote on the SCPZD Proposed Article or not?

The Board answered that they did not. They will give their recommendation to the Selectmen and then the Selectmen would decide if it will be put on the Town Meeting Ballot.

He then asked who authored the document.

Kim answered that it was the Conomo Point Committee, the Board of Selectmen, Town Council and the Planning Board. The Planning Board was not asked their opinion on the actual Proposed Bylaw as a District but that the Board did give input regarding the Proposed Warrant Article.

John Bediz, Rocky Hill Road said that the explanation regarding the participation of the Planning Board with both the process of the Proposed Southern Conomo Point Zoning District Warrant Article and if the Board would vote or not vote on the Proposed Warrant Article or if they supported the Proposed Zoning Article didn't make sense.

Westley shared with the public the history of the document which is now the Proposed SCPZD Warrant Article. He clarified that at Town Meeting 2011 the Planning Board would only recommend that the Proposed Document was or was not a workable Zoning District. Each Planning Board Member may have a personal opinion regarding what should be done with Conomo Point but that was not what was being proposed.

Lisa O'Donnell, Board of Selectmen, stated that at the Town Meeting the Disposition of Land would not be discussed at the Town Meeting 2011.

Chair Kim Drake asked if the Public attending the meeting had any further questions or comments; no one came forward. She then asked if there were any further questions or comments from the Planning Board Members; no one came forward.

Scottie made a motion to adjourn the Public Hearing at 8:36 p.m. and the motion was seconded and approved unanimously.

Jason made a motion to adjourn the meeting at 8:37 p.m. and the motion was seconded and approved unanimously.

The next meeting is scheduled for March 2, 2011 at the Essex Elementary School 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Dexter Doane, Planning Board Clerk

Agenda – February 2, 2011 – Town of Essex Planning Board – Draft

T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 Building Inspector's Report *or Regular Business*

8:00 Regular Business or Board Discussion

Regular Business

Board Discussion – **Upcoming Open Seat on Board**

Board Discussion – **Proposed Article for the Town Warrant for Town Meeting Southern Conomo Point**

Board Discussion – **Proposed Articles for the Town Warrant for Town Meeting 2011**

- Conventional subdivision process
- Subdivision Zoning Amendment: Open Space Residential Design
- Miscellaneous Definitions

Board Discussion – **Conomo Point Committee Update**

Board Discussion - **Community Preservation Committee**

Board Discussion - **Building Committee Update**

Board Discussion - **Long Range Planning Committee Update**

Board Discussion – **New Business**

Board Discussion – **Old Business**

Correspondence

Payroll

Meeting Minutes

Updates from the Chair

Meeting to Adjourn

Next regular Planning Board Meeting will be on February 16, 2011 at the Essex Elementary School

Meeting Minutes -Town of Essex Planning Board – February 2, 2011

The meeting was called to order at 7:34 p.m. by Chair, Kimberly Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Andrew St. John (ASTJ), Jason Heath (JH), Scottie Robinson (SR), Kimberly Drake (KD), Bill French (BF) – **Absentees:** Dexter Doane (DD), Westley Burnham (WB)
Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have an application which required review or approval by the Planning Board.

Regular Business

Open Seat

Scottie Robinson will not be running for re-election so there will be an open seat on the Planning Board. The regulations for submitting the nomination papers to the Town Clerk have changed. The Board Secretary will inquire with the Town Clerk and send the Board Members the information regarding the dates and procedure for potential candidates to follow.

Board of Selectmen

In November 2010 the Board of Selectmen had requested that a member of the Planning Board at a meeting of the Planning Board. Andrew had volunteered and Westley had volunteered as a alternate. Neither have attended a meeting. Andrew apologized to the Board and stated that he will make every effort to attend the next meeting of the Board of Selectmen. The Board Secretary sent an email to the Selectmen's Secretary requesting that the Agendas for the Selectmen's Meeting be sent to the email of the Office of the Planning Board.

Community Preservation Committee

There were no new updates. Scottie is the representative for the Board with the CPC and Jason is the alternate. Kim shared an agenda with Scottie and Jason for a meeting on February 9th. Scottie is not positive she will be able to attend nor is Jason. They will both check their schedules and let Kim know.

Building Committee Update

There were no new updates. The Board discussed the fact that Westley was the Board Member that had volunteered for the open seat made vacant upon Juergen Dietrichsons resignation and that the Board should ask Westley if he would like to continue representing the Board at these committee meetings.

Long Range Planning Committee

Andrew shared with the Board a proposal that maintains the road on Main Street in front of the Village Restaurant on the land which is owned by the State to be shared by the Village Restaurant use and a Pocket Park.

Meeting Minutes

The Board reviewed the meeting minutes of December 15, 2010. Scottie Robinson made the motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

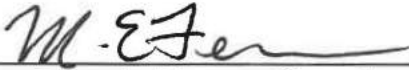
OSRD

The Board discussed the potential of proposing a OSRD as a potential warrant article. The Board conducted a straw poll and the majority of the Board thought the final version of the document was acceptable. The Board also conducted a straw poll as to if the Board should pursue a public hearing. The Board agreed to hold the public hearing.


Jason Heath made a motion to adjourn the meeting at 9:28 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for February 16, 2011 at the Essex Elementary School 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Bill French, Planning Board Clerk

January 19, 2011

The Planning Board did not hold a Regular Meeting due to the fact the agenda was not posted as required. The continuation of a Public Hearing for TBD Essex Park Drive Subdivision Plan Application was held and continued. Minutes of the hearing are attached.

January 5, 2011

The Regularly Scheduled meeting of the Planning Board will not be held on January 5, 2011.

The Town of Essex Planning Board will attend an educational seminar presented by Mark Racicot, MAPC on Wednesday, January 5, 2011 at 7:30 p.m. at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Agenda – December 15, 2010 – Town of Essex Planning Board - Draft

- 7:30 Building Inspector's Report *or Regular Business*
- 8:00 Planning Board Discussion regarding OSRD *or Regular Business or Board Discussion*
- 8:30 Board Discussion regarding possible Downtown Initiatives *or Regular Business or Board Discussion*
- 9:00 Board Discussion Regarding the Great Marsh Assembly Project Proposal *or Regular Business or Board Discussion*

Regular Business

Correspondence

Payroll

Meeting Minutes

Updates from the Chair

Board Discussion - Town Meeting 2011 – *Proposed warrant articles must be given to Town Administrator no later 2-28-11*

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

Board Discussion - Conomo Point Committee

Board Discussion - Long Range Planning Committee Update

Board Discussion - Meeting with the Board of Public Works - *Scheduled on Tuesday, December 21, 2010 at 7:15 p.m. at 44 Centennial Grove Road to discuss Town Planning as it relates to the sewer district*

Board Discussion – Meeting with Mark Raciot, M.A.P.C.- *January 5, 2011 at 8 p.m.*

Board Discussion – New Business

Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on January 5, 2011 at the T.O.H.P. Burnham Library

MEETING MINUTES – ESSEX PLANNING BOARD – December 15, 2010

Attendees: Scottie Robinson (SR), Kim Drake (KD), Dexter Doane (DD), Bill French (BF), Andrew St. John (ASTJ) – Absentees: Westley Burnham, Jason Heath
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

The meeting was called to order at 7:36 p.m. and an announcement to the members of the public attending the meeting that the meeting was being recorded was made by Chair Kim Drake. The meeting was held at the T.O.H.P. Burnham Public Library.

Building Inspector's Report

54 Island Road, Essex Map 22, Lot 16C, Daniel Auditore

BS: This is to build a single family one bedroom, one bath with garage. It has the approval of the Board of Health, Conservation Commission, Fire Department/911, Wastewater/DPW and the curb cut was approved by the DPW. There is a maintenance agreement for the common driveway.

The Board reviewed the plans.

ASTJ: I move that we approve the siting of the building on 54 Island Road for Daniel Auditore finding that it meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

52 Island Road, Map 22, Lot 16B, Kim and Lena Noble

BS: This is for the siting of the dwelling as well and it's for Kim and Lena Noble to build a six bedroom single family home. The application has the approval of the Board of Health, the Con. Com. the Fire Department/911. We do have a copy of the maintenance agreement for the common driveway. The lot is approximately four acres.

The Board reviewed the plans. Kim Drake calculated that the footprint would be roughly 2,100 square feet. Scottie asked about the driveway and the applicant stated that it will not be paved.

SR: Motion to move to accept the siting plan of Kim and Lena Noble of 52 Island Road for a house and a garage finding that it meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

REGULAR BUSINESS

Chair Kim Drake discussed the Planning Board meeting with the Board of Public Works on Tuesday, December 21, 2010 at 44 Centennial Grove Road to discuss Town planning as it relates to the sewer districts.

Chair Kim Drake also discussed the upcoming Continuation of a Public Hearing for the Definitive Subdivision Plan Application for TBD Essex Park Drive and the fact that Town Counsel suggested that due to the fact the plan and application has been before the Planning Board for a few years that the applicant be required to produce an updated abutter's list certified by the Assessor, pay for new notices to be published in the local newspaper and on January 15th the applicant will be required to present everything that occurred in the past with the plan and the application as well as what was recently reviewed by the Conservation Commission.

Board Discussion Regarding the Conomo Point Zoning District Amendment proposal

The Board reviewed, discussed and made edits to the Conomo Point Zoning District Amendment. There were a few questions the Board brought forward and Kim Drake will contact the necessary parties to find out the answers.

Board Discussion regarding possible Downtown Initiatives

The Board discussed potential questions to discuss with the Board of Public Works at the meeting scheduled on Tuesday, December 21, 2010 at 7:15 p.m. at 44 Centennial Grove Road.

Meeting Minutes

A motion was made to approve the meeting minutes of November 17, 2010 as amended. The motion was seconded and approved unanimously.

A motion was made to approve the meeting minutes of October 20, 2010 as amended. The motion was seconded and approved unanimously.

A motion was made to approve the meeting minutes of November 3, 2010 as amended. The motion was seconded and approved unanimously.

OSRD Review

The Board decided that each Board Member will review the newest version of the OSRD with the edits from Mark Raciot, MAPC.

Community Preservation Committee

Member Scottie Robinson did not have any updates.

The Cottage Committee

There were no updates from the Committee Member, Scottie Robinson.

Long Range Planning Committee


Andrew St. John discussed with the Board the fact that the Long Range Planning Committee recently filed for a grant for a design study for the Town Landing. The committee also reviewed a proposal for three pocket parks.

Andrew St. John made a motion to adjourn the meeting at 10:10 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for January 5, 2011 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Secretary


Dexter Doane, Planning Board Co-Clerk
Bill French

Agenda – December 1, 2010 – Town of Essex Planning Board - Draft

- 7:30 Building Inspector's Report *or Regular Business*
- 8:00 Regular Business
- 8:15 Planning Board Discussion with Mark Racicot from MAPC regarding OSRD *or Regular Business*
- 9:00 Board Discussion regarding possible Downtown Initiatives *or Regular Business*
- 9:15 Board Discussion Regarding the Great Marsh Assembly Project Proposal *or Regular Business*

Regular Business

Correspondence

Payroll

Meeting Minutes

Updates from the Chair

Board Discussion - Community Preservation Committee

Board Discussion - Building Committee Update

Board Discussion - Conomo Point Committee

Board Discussion - Long Range Planning Committee Update

Board Discussion - Meeting with Board of Public Works scheduled on December 20, 2010 at 7:15 p.m. to discuss town planning as it relates to the sewer district

Board Discussion - Town Meeting 2011

Board Discussion – Meeting with Selectmen held on November 17, 2010

Board Discussion – New Business

Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on December 15, 2010 at the T.O.H.P. Burnham Library

Due to the fact that the entire Town of Essex did not have any electrical power the meeting could not be held. All agenda items to be postponed until the next Regularly Scheduled Meeting.

Agenda – November 17, 2010 – Town of Essex Planning Board - Draft

- 7:30** Building Inspector's Report *or Regular Business*
- 8:00** Continuation of a Public Hearing for the Definitive Subdivision Plan Application, TBD Essex Park Drive, Trustee Orestes Brown to request a continuation until January 19, 2010
- 8:05** ANR to move Lot Lines- 163-161 Southern A venue – Nancy Winslow *or Regular Business*
- 8:30** Planning Board Discussion with Town of Essex Board of Selectmen

Regular Business

Correspondence

Payroll

Meeting Minutes

Community Preservation Committee

Building Committee Update

Conomo Point Committee

Long Range Planning Committee Update

Updates from the Chair

Board Discussion – Meeting with Mark Raciot from M.A.P.C.

Board Discussion - Town Meeting 2011

Board Discussion – New Business

Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on December 1, 2010 at the T.O.H.P. Burnham Library

MEETING MINUTES – ESSEX PLANNING BOARD – November 17, 2010

Attendees: Jason Heath (JH), Scottie Robinson (SR), Kim Drake (KD), Dexter Doane (DD), Westley Burnham (WB), Bill French (BF), Andrew St. John (ASTJ)
Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

The meeting was called to order at 7:38 p.m. and an announcement to the members of the public attending the meeting that the meeting was being recorded was made by Chair Kim Drake. The meeting was held at the T.O.H.P. Burnham Public Library.

Building Inspector's Report

43 Lufkin Point Road – Map 20, Lot 17 – James McGraw

BS: This is to demolish the existing house and garage and install a new foundation and build a new home and a detached garage which will be constructed on the original footprint of the garage. The application was approved by the Board of Health, Con. Com. and the Fire Department/911.

It is for seasonal use until the Board of Health approves the water source.

The Board reviewed the plans.

WB: I make a motion to approve the application of James McGraw of 43 Lufkin Point Road to demolish the existing house and garage and install a new foundation and build a new single family seasonal dwelling and a detached garage which will be constructed on the original footprint of the garage, finding it has the required approvals. This approval is under Town of Essex Bylaw 6-4.2 due to the fact the proposed use is not substantially more detrimental than the existing use.

The motion was seconded and approved unanimously.

TBD Essex Park Drive Continuation of the Public Hearing for a Definitive Plan

KD: It is 8:00 p.m. and I am opening the Public Hearing for the Definitive Plan Application for TBD Essex Park Drive. We received a letter from Attorney Oresetes 'Rus' Brown, Trustee for Apple Street Nominee Trust requesting an extension to January 19, 2011. The letter also requests that the Board takes final action on February 2, 2011.

The Board agreed unanimously to continue the Public Hearing to January 19, 2011 but not to the February 2, 2011 request for final action. It was decided that Chair Kim Drake would contact Attorney Brown and share the decision of the Board and that she would request permission from the Town Administrator to contact Town Counsel and ask a few questions regarding this application.

ANR – 163-161 Southern Avenue/Kings Court – Nancy 'Nannie' Winslow

The Board reviewed the application and plan.

ASTJ: I move that we endorse the ANR plan and application of Nancy Winslow for 161 and 163 Southern Avenue to move lot line(s) finding it does not increase the nonconformity as shown on Plan prepared for Peter L. Winslow, Christopher T. Carlson, and Nancy J. Winslow, Trustees of f the Nancy J. Winslow Revocable Trust by Donohoe and Parkurst, Inc., dated November 2, 2009.

The motion was seconded and approved unanimously.

The Board Members signed the copies of the plan, the Mylar plan and the application.

REGULAR BUSINESS

Community Preservation Committee

Co-Members Jason Heath and Scottie Robinson did not have any updates.

Building Committee

Westley Burnham updated the Board with the information that at the recent Special Town Meeting in November the Warrant Article which requested funds to hire Reinhardt Associations to do a Feasibility Study was approved.

The Cottage Committee

There were no updates from the Committee Member, Scottie Robinson.

Long Range Planning Committee

There were no updates.

Invoices

The invoice from Staples for Office Supplies was approved by the Planning Board.

Upcoming Meeting Agendas

In the past the Board has discussed different ideas and proposals for the downtown. Kim recently had the opportunity to speak with Scott DeWitt, Chair of the Board of Public Works, and he was very receptive to the possibility to have both Boards discuss sewer use and the capabilities of the current system.

Proposed Southern Comono Point Zoning Distric Bylaw Board Discussion

Present: Nick Craknell, Horsley Witten Group; A. Raymond Randall Jr., Jeffrey Jones, Lisa O'Donnell of the Town of Essex Board of Selectmen; Mark Lynch, Chair of the Conomo Point Committee

Planning Consultant, Nick Cracknell of Horsley Witten Group who has been working with the Selectmen and the Conomo Point Committee reviewed what has been discussed and proposed over the past 18 months since he was hired to work on project.

He then shared with the Board what the Selectmen are proposing as an Article for the Warrant at the 2011 Town Meeting.

The Planning Board stated that they would like time to review and discuss as a Board the proposed Zoning Bylaw.

Dexter Doane made a motion to adjourn the meeting at 10:18 p.m. and the motion was seconded and approved unanimously.

Next meeting is scheduled for December 1, 2010 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Dexter Doane, Planning Board Co-Clerk

Draft Agenda - December 19, 2012 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. *Building Inspector's Report or Regular Business or Site Plan Review, Lot 2-3 Lowland Farm Road*

8:00 p.m. *Site Plan Review: Lot 2-3 Lowland Farm Road, Andy & Lisa Briggs, Doug Carlson of Dream Line Modular Homes for a footprint which will exceed 2,500 square feet or Regular Business*

Regular Business

- ▲ Correspondence
- ▲ Payroll & Invoices
- ▲ Meeting Minutes
- ▲ Updates from the Chair
- ▲ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ▲ Board Discussion – Centennial Grove Committee
- ▲ Board Discussion - Community Preservation Committee
- ▲ Board Discussion - Building Committee Update
- ▲ Board Discussion – Conomo Point Committee Update
- ▲ Board Discussion – Potential upcoming projects for the Planning Board
- ▲ Board Discussion - Town Meeting 2013
- ▲ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ▲ Board Discussion – New Business
- ▲ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on January 2, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board December 19, 2012

The meeting was called to order at 7:32 p.m. by Vice Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Bill French (BF), Jason Heath (JH), Simone Early (SE) - Absentee: Kim Drake, Corey Jackson, Dexter Doane - Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

BS: This building permit application is for a foundation at 6 Shea Court, Map 8, Lot 5A, for 2,700 square foot single family home which is being purchased by Todd and Lisa Etna. The application has the approvals of the B.O.H., DPW, Con. Com.

JH: I make a motion we approve the citing of a foundation for a 2,700 square foot single family house located at for 6 Shea Court, Map 8, Lot 5A, for Todd and Lisa Etna finding it has all the required approvals and meets the requirements of the Town of Essex bylaws.

The motion was seconded and approved unanimously.

Regular Business

- The Meeting Minutes of November 7, 2012 and December 5, 2012 were reviewed and approved unanimously as amended.
- Payroll

Regular Business: Board Updates

- Centennial Grove Committee – There was not any new information for the volunteer committee member, Jason Heath to share with the Planning Board regarding the committee.
- Community Preservation Committee – An update was not provided by volunteer committee member, Kimberly Drake due to the fact she did not attend the meeting.
- Building Committee – An update was provided by volunteer committee member, Westley Burnham.
- Conomo Point Planning Committee – An update was not provided by volunteer committee member, Kimberly Drake due to the fact she did not attend the meeting.

Site Plan Review - 21 Lowland Farm Road – Map 9 – Lot 12D - Andrew and Lisa Briggs

The Board reviewed the application and the plan. The Board determined a Site Plan Review was not required due to the fact the building permit application was obtained in 2010. The Board unanimously agreed that it was appropriate that they make a motion for the citing of the foundation.

JH: I make a motion that we approve the citing of a foundation for a single family dwelling for Andrew and Lisa Briggs and the property is located at 21 Lowland Farm Road finding the Building Permit application has the necessary approvals and meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Regular Business Continued

The Board reviewed the application for the TBD Essex Park Drive Preliminary Plan Application. The Board reviewed the requirements for a Preliminary Plan Application in the Rules and Regulations for Subdivision deemed the application was complete.

A motion to adjourn was made at 8:50 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for January 2, 2013 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Bill French, Planning Board Clerk



Mary-Ellen L. Feener, Administrative Assistant

Meeting Minutes - December 5, 2012 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. *Building Inspector's Report or Regular Business*
- 8:00 p.m. *Informal Discussion: John Guerin representing Sequoia Realty Trust to discuss amending a building permit application for 5 Martin Street*
- 8:10 p.m. *ANR Application: Michael O'Flynn and Lillian Guerriero - 58 and 60 Choate Street or Regular Business*
- 8:25 p.m. *Site Plan Review Application: Pony Up LLC – 85 Choate Street or Regular Business*
- 8:40 p.m. *Site Plan Review Application: Onofrio and Kimberly Sozio – 77 Choate Street or Regular Business*
- 8:55 p.m. *Regular Business*

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on December 19, 2012 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board, December 5, 2012

The meeting was called to order at 7:39 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Kimberly Drake (KD), Westley Burnham (WB), Simone Early (SE) Corey Jackson (CJ), Dexter Doane (DD) **Absentees:** Jason Heath, Bill French (BF) - **Building Inspector:** Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

There was no Building Inspector's Report due to the fact the Building Inspector did not have any applications to have reviewed or approved by the Planning Board.

Regular Business

The Meeting Minutes of August 1, 2012 were reviewed and approved unanimously.

Payroll

Regular Business: Board Updates

Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he did not attend.

Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.

Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.

Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.

Informal Discussion: John Guerin representing Sequoia Realty Trust to discuss amending a building permit application for 5 Martin Street

John Guerin asked the Planning Board to approve amending a Building Permit Application so the owner may expand the number of bedrooms for the two units from one bedroom each to two, two bedroom units.

The Board reviewed parking requirements. Kim Drake shared the fact that the proposed two bedrooms units would be required to have two parking spaces per each unit and her concern was having a handicap parking space on the lot. The Board said it would be up to the owners to have a handicap parking space that conforms to the Bylaws. The Board said they wanted to see a plan prior to their approving amending the Building Permit Application.

John Guerin will be placed on the next agenda.

ANR Application: Michael O'Flynn and Lillian Guerriero - 56 and 60 Choate Street

The Board reviewed the plan and the application.

CJ: I move that we endorse the ANR for the land swap of 56 and 60 Choate Street as shown plan dated September 25, 2012 and that it meets the requirements of the ANR Regulations of the Commonwealth and the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Site Plan Review Application: Pony Up LLC – 85 Choate Street

Site Plan Review Application: Onofrio and Kimberly Sozio – 77 Choate Street

A motion to adjourn was made at 8:42 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for September 5, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:

and that in addition to the required four parking spaces there would be limited area to have a handicap parking space within the required setbacks.

The Planning Board unanimously agreed the owner(s) would be required to have a handicap parking space on the lot that conforms to the Town of Essex Bylaws.

The Planning Board said they wanted to see a plan which illustrated the required parking spaces prior to considering approving amending the Building Permit Application or be on a plan with a Building Permit to be presented to the Planning Board during the Building Inspector's Report during a regularly scheduled meeting.

John Guerin asked for a moment on the next agenda and the Board agreed.

ANR Application: Michael O'Flynn and Lillian Guerriero - 56 & 60 Choate Street

The Board reviewed the plan and the application.

CJ: I move that we endorse the ANR for the land swap of 56 and 60 Choate Street as shown plan dated September 25, 2012 and that it meets the requirements of the ANR Regulations of the Commonwealth and the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Site Plan Review Application: Pony Up LLC - 85 Choate Street

On May 2, 2012 during a regularly scheduled meeting the Planning Board reviewed and endorsed a Site Plan Review Application for a riding arena to be located at 85 Choate Street which would have a footprint that exceeds 2,500 square feet.

The riding arena is completed. The applicant recently submitted a second application and a new plan which was reviewed by the Planning Board at the regularly scheduled meeting on December 5, 2012.

The Board reviewed the plan and the application. The Board also discussed the plan with the applicant. The applicant stated his intent is to add a covered, enclosed walkway which would connect the dwelling to the arena.

Due to the size of the enclosed walkway the Board and due to the fact that the applicant had received recent prior endorsement for a building which would have a footprint that would exceed 2,500 square feet, the Board unanimously agreed that the applicant did not need to present a new application to amend the May 2012 decision and that the applicant could continue with a Building Permit Application and the required approvals for the application as required by the Building Inspector.

The Administrative Assistant will ensure that a check is reimbursed to the applicant.

Site Plan Review Application: Onofrio and Kimberly Sozio - 77 Choate Street

This application is for the new construction of a single family dwelling which will have a footprint which will exceed 2,500 feet.

The Planning Board reviewed the plans and the application.

The Board reviewed the items required under the Site Plan Review Bylaw. Simone fulfilled the duties of Vice Clerk by completing the Planning Board decision form.

CJ: I move that we approve the citing for the foundation of a single family dwelling located at 77 Choate Street finding it meets the requirements of the Town of Essex Bylaws and has the required approvals.

The motion was seconded and agreed upon unanimously.

A copy of the decision was given to the applicant.

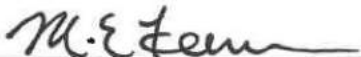
A motion to adjourn was made at 9:03p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for December 19, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Bill French, Planning Board Clerk



Mary-ellen L. Feener, Administrative Assistant

Agenda – November 7, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report

8:00 p.m. Southern Conomo Point Subdivision – Review of the release of Covenant – Essex Board of Selectmen or Regular Business

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion - Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion - Long Range Planning Committee Update
- ✓ Board Discussion - Conomo Point Committee Update
- ✓ Board Discussion - Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2013
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- ✓ Board Discussion - New Business
- ✓ Board Discussion - Old Business

Meeting to Adjourn

The next regularly scheduled Planning Board Meeting will be held on November 21, 2012

at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board November 7, 2012

The meeting was called to order at 7:50 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF,) Dexter Doane (DD) Absentee: Simone Early, Corey Jackson, Jason Heath - Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

There was no Building Inspector's Report due to the fact the Building Inspector did not have any applications to have reviewed or approved by the Planning Board.

Regular Business

- The Meeting Minutes of October 17, 2012 were reviewed and approved unanimously as amended.
- Payroll
- Town Meeting 2013 – The Board discussed that discussions should be held to decide what they may want to propose as warrant articles.

Regular Business: Board Updates

- Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he was not present.
- Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake. The committee has not met recently.
- Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham. The committee has not met recently.
- Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake. The committee is meeting tomorrow.

Southern Conomo Point Subdivision – Review of the release of Covenant – Brendhan Zubricki, Town Administrator

BF: We, the undersigned, being a majority of the Planning Board of the Town of Essex, Essex County, Massachusetts, hereby release all of the forty-three (43) Lots shown on a plan entitled "Definitive Subdivision Plan, Southern Conomo Point, Essex, MA," prepared by Horsley Witten Group, dated September 19, 2011 (the "Plan"), which Plan was endorsed by said Planning Board on April 4, 2012, and recorded with the Essex South Registry of Deeds in Plan Book 432, Plan 97, from the Covenant executed by the Essex Planning Board on April 4, 2012, and recorded with said Registry in Book 31278, Page 563, finding that the lots have been completed in accordance with the covenants, conditions, agreements, terms and provisions.

The motion was seconded and approved unanimously.

The Board thanked Mandy Davis, Administrative Assistant for the Department of Public Works, who volunteered on a stormy night to attend the public meeting so that she could assist the Board by notarizing the Planning Board signatures.

ANR Application - 41 John Wise Avenue - Front Field Tillage Partnership

Attorney John Guerin presented the ANR for Amiee and Mike Konevich

The Board reviewed the application and plans.

DD: I move we endorse the ANR application for 41 John Wise Avenue, Front Field Tillage Partnership finding it meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

A motion to adjourn was made at 8:35 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for November 17, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Bill French, Planning Board Clerk



Mary-Ellen L. Feener, Administrative Assistant

Agenda – October 17, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report

8:00 p.m. Regular Business

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion · Community Preservation Committee
- Board Discussion · Building Committee Update
- Board Discussion · Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion · Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regularly scheduled Planning Board Meeting will be held on November 7, 2012

At the

T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board October 17, 2012

The meeting was called to order at 7:39 p.m. by Chair Kim Drake and was held at the T.O.H.P. Burnham Library. Attendees: Kim Drake (KD), Jason Heath (JH), Corey Jackson (CJ), Bill French (BF), Dexter Doane (DD), Simone Early (SE) Absentee: Westley Burnham - Building Inspector: Bill Sanborn (BS) - Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

43 John Wise Avenue - Map 18, Lot 5 - Aimee & Mike Konevich

BS: This is for the siting of a new construction home which will be located behind an existing dwelling. The applicants have the approvals of the Department of Public Works and the State of Massachusetts for the curb cut since it is on a highway; the Conservation Commission and the Board of Health. The lot is over five acres and the existing dwelling has been in existence for more than four years.

The Board reviewed the plans and the application.

DD: I move that we approve the siting of a new construction home for 43 John Wise Avenue, Assessor's Map 18, Lot 5, owned by Aimee and Mike Konevich finding it has the required approvals and meets the requirements of Town of Essex Bylaws. The application has the approval of the Department of Public Works and the State of Massachusetts for the curb cut, the Town of Essex Conservation Commission and the Board of Health.

The motion was seconded and approved unanimously.

Board Member Dexter Doane, recused himself from any discussion or voting on the second building permit application presented this evening.

58 Story Street - Map 35, Lot 35 - Joseph and Wendy Davis

BS: This is to build a 24x36 garage with a foundation and has the approval of the Board of Health, the DPW Wastewater, Con. Com. and the 911/Fire Department.

The Board reviewed the plans and the application.

JH: I move we approve the siting the construction of a 24x36 garage with a foundation finding it meets the requirements of the Town of Essex Bylaws and has the required approvals.

The motion was seconded and approved by a majority.

Board Member Dexter Doane, re-entered the meeting.

69 Eastern Avenue - Map 38, Lot 55 B -PMC Realty Trust

BS: This is for the siting of a 6,000 square foot climate control storage bin. The application has the approval of the Board of Health and the Conservation Commission. The Planning Board completed the Site Plan Review during the past year.

The Board reviewed the plans and the application.

BF: I make a motion that we approve the siting and construction of a of 6,000 sq ft climate control unit, finding it has the required approvals and meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

75 Choate Street (part of the subdivision of 69 Choate Street) - Mike Staiti and Lingley Lane

BS: This is for the siting and the construction of a new, five bedroom, 3,600 sq ft home, located at 75 Choate Street, owned by Mike Staiti and Lingley Lane. This application has the approvals of the Board of Health, DPW Wastewater, DPW curb cut, Conservation Commission and the Fire Department 911.

The Board reviewed the plans and the application.

CJ: I move we accept the siting and the construction of a new home for Mike Staiti and Lingley Lane for 75 Choate Street finding it has the required approvals and meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Regular Business

Payroll

The Administrative Assistant's timesheet was reviewed and signed.

Meeting Minutes

The Board reviewed the meeting minutes of November 7, 2012. Bill French made a motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

Board Discussion regarding the approved subdivision located at Southern Conomo Point

Dexter, Kim, Westley and Bill did recently visit the site to ensure the work on the road has been done in a manner that fulfilled the recommendations made by the Planning Board in the Covenant. Westley did speak with Kim prior to the meeting and said he was satisfied with how the work was proceeding.

Kim stated that a representative from the environmental science and engineering firm hired by the Board of Selectmen, Horsley and Witten Group, had been present at the site while the work was completed.

The Town Administrator asked the Board to review a partial release of the Covenant of certain lots in the subdivision.

In November the Board of Health will provide their requirements/recommendations for the subdivision and the Board will be then asked to release the remaining lots.

The Board reviewed the draft document submitted by the Town Administrator, Brendhan Zubricki.

Board Discussion - Centennial Grove Committee update was provided by volunteer committee member, Jason Heath.

Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.

Board Discussion - Building Committee update was not provided by volunteer committee member, Westley Burnham due to the fact Westley did not attend the meeting.

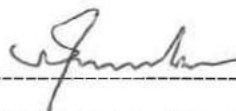
Board Discussion - Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.

The meeting was adjourned at 8:58 p.m. The next meeting is scheduled for November 7, 2012 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-ellen L. Feener, Administrative Assistant



Bill French, Vice Planning Board Clerk

Agenda – October 3, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report

8:00 p.m. ANR Application–Lyndsey Pierro–90 Belcher Street or ANR for 0 Choate Street or Regular Business

8:15 p.m. ANR Application – John Donovan, Jr. - 0 Choate Street

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on October 17, 2012 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board October 3, 2012

The meeting was called to order at 7:39 p.m. by Chair Kim Drake and was held at the T.O.H.P. Burnham Library. Attendees: Kim Drake (KD), Corey Jackson (CJ), Bill French (BF), Dexter Doane (DD) Absentees: Westley Burnham, Simone Early, Jason Heath - Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications that required review by the Planning Board.

Regular Business

Southern Conomo Point

The Town Administrator suggested to the Planning Board Chair that the Planning Board Members visit the site to ensure the work on the road has been done in a manner that will be satisfactory to the recommendations made by the Planning Board.

Payroll

The Administrative Assistant's timesheet was reviewed and signed.

Meeting Minutes

The Board reviewed the meeting minutes of September 19, 2012. Bill French made a motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

Regular Business

- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update

ANR Application – Lyndsey Pierro – 90 Belcher Street – Map 16 Lot 18A

The applicant requested to have a 5.17 acre lot separated to two lots; one to be 4.18 acres and the second to be .99 acres- identified on the plan as Lot A & Lot B prepared by Gateway Consultants Inc. dated September 10, 2012.

BF: I make a motion that we endorse the ANR plan for 90 Belcher Street finding it meets the requirements for the ANR.

The motion was seconded and approved unanimously.

ANR Application – John J. Donovan Jr., Trustee – Map 16, Lot 2

The Board questioned if the ANR process was appropriate for the application. The Board determined that the notes on the plan which stated, 'Lot 6 is not to be considered a legal building lot by itself and is to be combined with abutting other land of Essex Land Realty Trust' were sufficient to support an ANR application and review.


DD: I move we endorse the ANR application and Plan for John Donovan Jr., Trustee, Assessor's Map 16, Lot 2, which will be combined with the abutting land owned by Essex Land Realty Trust.

The motion was seconded and approved unanimously.

Meeting Adjourn

The next meeting is scheduled for October 17, 2012 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:


Mary-ellen L. Feener, Administrative Assistant


Bill French, Vice Planning Board Clerk

Agenda – September 19, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report

8:00 p.m. Regular Business

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on October 3, 2012 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board September 19, 2012

The meeting was called to order at 7:40 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Kimberly Drake (KD), Bill French (BF), Simone Early (SE), Jason Heath (JH)

Absentees: Dexter Doane, Westley Burnham, Corey Jackson

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

There was no Building Inspector's Report due to the fact the Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

Regular Business

- The Meeting Minutes of August 15, 2012 were reviewed and approved unanimously as amended.
- Payroll & Invoices
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion – Town Meeting 2013

Regular Business: Board Updates

- Board Discussion – Centennial Grove Committee update was provided by volunteer committee member, Jason Heath.
- Board Discussion - Community Preservation Committee update was provided by volunteer committee member, Kimberly Drake.
- Board Discussion - Building Committee update was not provided by volunteer committee member, Westley Burnham since he did not attend the meeting. However, the Board did read the most recent Town Administrator's Report regarding the Committee.
- Board Discussion – Conomo Point Planning Committee update was provided by volunteer committee member, Kimberly Drake.

The Board reviewed the ANR Application for Lyndsey Pierro of 90 Belcher Street and the Board unanimously agreed that they would like more information from the Applicant regarding access to the lots. It was decided the Board Administrative Assistant would contact the engineer who submitted the application on behalf of Lyndsey Pierro. The ANR Application will be reviewed by the Board at the next regularly scheduled meeting of the Planning Board.

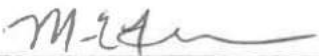
A motion to adjourn was made at 8:32 p.m. The motion was seconded and approved unanimously.

The next regularly scheduled meeting is scheduled for October 3, 2012 and will be held at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Bill French, Planning Board Clerk



Mary-Ellen L. Feener, Administrative Assistant

Agenda – September 5, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business or Informal Discussion

*8:00 p.m. Informal Discussion with Ida Doane regarding 41 Forest Avenue; Jerome French
or Regular Business*

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on September 19, 2012 at T.O.H.P. Burnham Library

A Meeting was not held on September 5, 2012 due to a lack of quorum.

Agenda – August 15, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

8:00 p.m. Informal Discussion with Amy Reilly, Dog Officer

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on September 5, 2012 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board August 15, 2012

The meeting was called to order at 7:38 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF), Simone Early (SE), Corey Jackson (CJ)
Absentee: Dexter Doane, Jason Heath Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

There was no Building Inspector's Report due to the fact the Building Inspector did not have any applications to have reviewed or approved by the Planning Board.

Regular Business

- The Meeting Minutes of August 1, 2012 were reviewed and approved unanimously as amended.
- Payroll
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion – Town Meeting 2013

Informal Discussion with Amy Reilly, Dog Officer

Regular Business: Board Updates

- Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he was not present.
- Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.
- Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.
- Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.

A motion to adjourn was made at 8:58 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for September 5, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Bill French, Planning Board Clerk



Mary-Ellen L. Feener, Administrative Assistant

Agenda – August 1, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on August 15, 2012 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board August 1, 2012

The meeting was called to order at 7:38 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF), Simone Early (SE) **Absentees:** Jason Heath, Dexter Doane, Corey Jackson **Building Inspector:** Bill Sanborn (BS) – **Administrative Assistant:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

There was no Building Inspector's Report due to the fact the Building Inspector did not have any applications to have reviewed or approved by the Planning Board.

Regular Business

- The Meeting Minutes of July 18, 2012 were reviewed and approved unanimously as amended.
- Payroll
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion – Town Meeting 2013

Regular Business: Board Updates

- Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he did not attend.
- Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.
- Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.
- Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.

A motion to adjourn was made at 8:38 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for August 15, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Administrative Assistant


Bill French, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board July 18, 2012

The meeting was called to order at 7:36 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF), Corey Jackson (CJ), Dexter Doane (DD), Simone Early (SE) **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

28 & 30 Lebaron Road – Elizabeth & Dana Story

BS: Good Evening. 28 Lebaron Road. I have an application to add a three season porch/sunroom to the south side of the house and to push out the south wall of the dining room by four feet for additional living space; basically they are going to add a three season sun room and a little push out of the dining room.

Westley Burnham asked if the ANR had been filed with the Registry of Deeds. The applicants had been before the Planning Board at the meeting held on June 20, 2012. The applicants were present and said that their attorney will not file the plan until July 31st.

BS: There is one more concern because the DPW Superintendent, Paul Goodwin, stated that the three season room be designated as 'seasonal'. I believe this is an oversight or misunderstanding of Paul Goodwin and they (the applicants) want to have this condition removed.

The Planning Board Members agreed that the Board could review the application, vote and make the contingency that an Occupancy Permit will not be issued until the ANR is filed with the Registry of Deeds.

DD: I move we make a motion to approve the application of Elizabeth and Dana Story of 28 & 30 Lebaron Road for the addition of a three season porch/sunroom to the south side of the house and to push out the south wall of the dining room by four feet for additional living space finding it meets the Town of Essex Bylaws and has the required approvals. This approval of the Planning Board is subject to the ANR being filed with the Essex South Registry of Deeds prior to an Occupancy Permit being issued.

The motion was seconded and approved unanimously.

Regular Business

The Meeting Minutes of June 20, 2012 were reviewed and approved unanimously as amended.

Payroll

Regular Business: Board Updates

Board Discussion – Centennial Grove Committee update provided by volunteer committee member, Jason Heath.
Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.
Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.
Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.
Board Discussion - Long Range Planning Committee – since Andrew St. John is no longer a member of the Board there will need to be a new volunteer. The Board decided to wait until a new Board Member is appointed.

New Board Member

The Board welcomed new Planning Board Member Simone Early.

A motion was made to elect Simone as Vice Clerk. The motion was seconded and approved unanimously.

ANR - 1 & 3 Lufkin Point Road – Chris Burroughs

The Board reviewed the plan. The Board also discussed the purpose of the ANR.

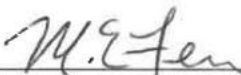
JH: I move we endorse the ANR application and plan of 1 & 3 Lufkin Point Road by John C. and Julie Burroughs and Brad and Joan Ketchum. The date of the plans are June 21, 2012 and Parcel A is identified as 'not a buildable' lot; finding it meets the requirements of the Commonwealth of Massachusetts.

The motion was seconded and approved unanimously.

A motion to adjourn was made at 8:36 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for August 1, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Administrative Assistant



Bill French, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board June 20, 2012

The meeting was called to order at 7:37 p.m. by Chair, Kim Drake and was held at the T.O. H.P. Burnham Library.

Attendees: Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF), Corey Jackson (CJ), Dexter Doane (DD)

Absentee: Jason Heath **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

191 John Wise Avenue – Bill Bancroft - Map 22, Lot 3B

KD: Bill Sanborn is not able to attend the Planning Board meeting this evening. What I have before me is a building permit application for 191 John Wise Avenue. We completed the Site Plan Review for this property at our last meeting on June 6th. The Building Inspector requested that we review this application for the siting of a building.

WB: I make a motion that we approve the siting of a new single family dwelling at 191 John Wise Avenue finding that it meets the requirements of the Town of Essex Bylaws.

CJ: I second the motion.

The motion was seconded and approved unanimously.

Board Discussion regarding the Open Seat on the Board

Regular Business

- Payroll
- Invoice
- The Meeting Minutes of June 6, 2012 were reviewed and approved unanimously by the Board.
-

Regular Business: Board Updates

Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he did not attend the meeting.

Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.

Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.

Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.

Board Discussion - Long Range Planning Committee – since Andrew St. John is no longer a member of the Board there will need to be a new volunteer. The Board decided to wait to ask for a volunteer until a new Board Member is appointed.

Site Plan Review – 65 Eastern Avenue –PMC Realty Trust

John Judd of Gateway Consultants presented the application and the plan to the Planning Board.

The Board reviewed the application and the plan plan. The Board reviewed the criteria for Site Plan Review.

The Clerk completed the decision.

The applicant did state there would be no water or sewer to the building but there would be electricity. The applicant also stated they had gone before the Conservation Commission and a Notice of Intent was filed. The Board asked about lighting. The Planning Board did make the conditions that the building is restricted from any external lighting on the east side and the applicant will be required to maintain natural vegetation as screening on the east side.

WB: I make a motion we approve the Site Plan Review and the siting of the building for 65 Eastern Avenue, the applicant being PMC Realty Trust finding it meets the Town of Essex Bylaws and that it also conforms to the criteria for Site Plan Review.

The motion was seconded and approved unanimously.

The Planning Board Administrative Assistant made a copy of the decision and handed the original to the applicant.

ANR Application-28 & 30 Lebaron Road – Elizabeth & Dana Story

Elizabeth Story explained to the Board the intent of the ANR.

The Board reviewed the application and the plan.

DD: I move we endorse the ANR Plan for 28 & 30 Lebaron Road, Elizabeth and Dana Story and for the record the plan and the application were also signed by the abutters.

The motion was seconded and approved unanimously.

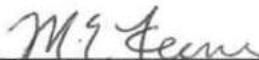
Sprint – 15 Tree Hill Road - Withdrawal of a Special Permit Application

The Board reviewed the letter requesting the withdrawal of the application to amend a Special Permit and the Board accepted the withdrawal of the application unanimously.

A motion to adjourn was made at 8:42 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for July 18, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Bill French, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board June 6, 2012

The meeting was called to order at 7:33 p.m. by Chair, Kim Drake and was held at the Essex Fire House Meeting Room.

Attendees: Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Bill French (BF), Corey Jackson (CJ), Dexter Doane (DD) **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

BS: My first order of business would be a question asked by Sprint regarding the process to change the existing antennae's at the cell tower located at 12 Scott's Way.

The Board discussed the Kopelman & Paige Memo (Town Counsel) dated March 20, 2012 regarding the fact the Building Inspector is able to determine if the construction / work being proposed is such a substantial change it would require a Special Permit Application and Public Hearing.

WB: Our Bylaw addresses the installation of the structure not maintenance and upkeep; this would be the same at 15 Tree Hill.

KD: In the past few years, the Board had re-opened the Special Permits to be amended every time there was a new application. Based on the memo from K&P it does state the Building Inspector does have the authority to make the determination.

The Board agreed that the Building Inspector does have the authority to make a determination regarding if the construction/work that is being proposed is such a substantial change it would require a Special Permit Application and Public Hearing.

BS: My next two applications are for the two Site Plan Review Applications which I believe were approved at your last meeting but the citing of the buildings were not approved.

WB: That is because we did not have the Building Permit Application at the time.

BS: I would like to suggest that on the form you complete that there be a place to check off if the citing of the building was approved.

The Board agreed that was a good idea.

160 John Wise – Site Plan Review

WB: I make a motion that we approve the citing of the storage buildings at 160 John Wise Avenue which are two 70 x 70 x 30 fabricated buildings, finding that they meet the requirements of the Town of Essex Bylaws.

JH: I second the motion.

The motion was seconded and approved unanimously.

Open Seat on the Planning Board

The Board conducted interviews with two citizens who had expressed interest in the one open seat on the Planning Board; Scott Woodward, 247 Western Avenue, owner of Pike Marine and Michael Strohman, 17 Maple Lane, employee of the Massachusetts Department of Environmental Protection. Chair, Kim Drake will submit a letter to the Board of Selectmen regarding their interest in becoming a member of the Planning Board.

Regular Business

- Payroll
- Invoice

90 Apple Street – Daniel Ottenheimer, Mill River Consulting and property owner, Karen McNiff

The Board reviewed the plan for the proposed driveway. The Board looked at the photo provided by the engineer. The Board will notify the DPW that they do not have any issues with the proposed driveway.

Regular Business: Board Updates

Board Discussion – Centennial Grove Committee update provided by volunteer committee member, Jason Heath.

Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.

Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.

Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.

Board Discussion - Long Range Planning Committee – since Andrew St. John is no longer a member of the Board there will need to be a new volunteer. The Board decided to wait until a new Board Member is appointed.

Public Hearing for a proposed Warrant Article is to see if the Town will vote to modify the Zoning Bylaw by amending Chapter 6-10.2 Flood Plain Overlay District

Chair, Kim Drake opened the Public Hearing at 8:08 p.m. She then read the Preamble as is standard prior to Public Hearings held by the Planning Board. The public was reminded that the hearing was being recorded.

Brendhan Zubricki, Town Administrator, presented a history of the proposed Warrant Article. He also stressed to the Board and the public the importance of having such a Bylaw pass. He said it was imperative that the Bylaw is passed or there could be dire consequences for the Town and the citizens of the Town.

John Guerin, Belcher Street: I don't disagree with what Brendhan said and absolutely we need to have this (*Bylaw*) in place. John further stated what his specific concerns had been regarding the need to clarify the 100 year flood zone and the 500 year flood zone. He asked why on the maps we don't exclude all other flood zones on the maps and he said that he would suggested the change of the words 'are' is changed to 'may be' 6-10.2.1 His last suggestion was that permitted uses be listed within the Bylaw (*As an example, he referred to the Boxford Flood Plain Overlay District which does state permitted uses*).

Brendhan Zubricki shared input from Attorney John Goldrosen, Town Council regarding changing the word 'are' to 'may be': He said the wording 'may be' is ambiguous and he suggested the word remains 'are'. He also said that including permitted uses could be more restrictive.

John Guerin stated that he would accept the proposed Warrant Article.

Corey Jackson: I move that we close the Public Hearing at 8:36 p.m.

Bill F: I second the motion.

The motion was approved unanimously.

The Board conducted a straw poll regarding approving the proposed Warrant Article. The Board agreed unanimously to do so.

WB: I make a motion to approve the proposed Warrant Article which is to see if the Town will vote at the upcoming Special Town Meeting to modify the Zoning Bylaw by amending Chapter 6-10.2 Flood Plain Overlay District.

The motion was seconded and approved unanimously.

Regular Business Continued

The Meeting Minutes of May 16, 2012 were reviewed and unanimously approved as amended.

A motion to adjourn was made at 8:59 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for June 20, 2012 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Administrative Assistant



Bill French, Planning Board Clerk

Agenda – May 16, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 24 Martin Street, Essex MA

7:30 p.m. *Building Inspector's Report - or Regular Business*

8:00 p.m. *Site Plan Review - 191 John Wise Avenue – William M. Bancroft – for a square footprint which will exceed 2,500 sq ft - or Regular Business*

8:15 p.m. *Site Plan Review - 160 John Wise Avenue, Lots A & B – Sturgis Realty Corp – for two structures with a square footprint which will exceed 2,500 sq ft - or Regular Business*

8:25 p.m. *Site Plan Review - 160 John Wise Avenue, Lots A & B – Sturgis Realty Corp – or Informal discussion, David Kempkie, 36R Story Street - or Regular Business*

8:40 p.m. *Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on June 6, 2012 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board May 16, 2012

The meeting was called to order at 7:36 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.

Attendees: Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Andrew St. John (ASTJ), Bill French (BF), Dexter Doane (DD) **Absentee:** Corey Jackson **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

18 Milk Street – John T. Hurley – Map 34, Lot 34-59A

BS: This is for the citing of a 28 x 32 two-car garage. This application has the approval of the Board of Health and the Conservation Commission.

The Board reviewed the plan and the application.

KD: I move we approve the citing of a building located at 18 Milk Street owned by John Hurley, the purpose of the building to be a two car garage. Finding it meets all the dimensional zoning requirements of the Town of Essex.

The motion was seconded and approved unanimously.

Regular Business

- Payroll
- Invoice
- Board Discussion regarding Town Meeting 2012

Site Plan Review – William M. Bancroft – 191 John Wise Avenue – Assessor's Map 22 Lot 3B

Dexter Doane recused himself from Board discussion and voting.

The Board reviewed the application and plan for a Site Plan Review due to a footprint which will exceed 2,500 square feet.

The Board noted that there is a garage which was built in 1996 with one bedroom and that a new second dwelling is permissible.

The Board reviewed the site plan review criteria.

The applicant stated that he will have a home occupation of a woodworking business. He will not have large quantities of hazardous materials and any smaller amounts will be properly stored.

JH: I make a motion to approve the Site Plan Review Application as noted on the Site Plan Review Planning Board Decision dated May 16, 2012 for 191 John Wise Avenue, William M. Bancroft, finding the intent meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved by a majority of Planning Board Members. Dexter Doan rejoined the meeting.

Site Plan Review – Samuel 'Skip' Crocker – 160 John Wise Avenue – Assessor's Map 22 Lots 7 A & B

The Board reviewed the application and plan for a Site Plan Review due to two footprints which will exceed 2,500 square feet.

The footprints of each storage unit will be 4,900 square feet.

The applicant stated that the existing dwelling and garage will be demolished.

The Board reviewed the site plan review criteria.

The Board confirmed with Skip Crocker that he currently has natural screening from the street planted and Skip stated for the record that he does not intend to store any hazardous materials on the sites.

DD: I make a motion that we approve the Site Plan Review Application as noted on the Site Plan Review Planning Board Decision dated May 16, 2012 for 160 John Wise Avenue Lots A & B, Samuel 'Skip' Crocker, finding the intent meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Informal discussion, David Kempkie, 36R Story Street

David Kempkie requested time for an informal discussion with the Board due to the fact he is considering a purchase of the abutting lot from Joan Bucklin and wanted to ask the Board for input regarding the subdivision.

Regular Business Continued

The meeting minutes of May 2, 2012 were reviewed and unanimously approved as amended.

Bill French was nominated for Planning Board Clerk. The motion was seconded and approved unanimously.

Corey Jackson was nominated as Vice Clerk Interim pending his acceptance of the nomination. The motion was seconded and approved unanimously.

Kim Drake was nominated as Chair. The motion was seconded and approved unanimously.

Westley Burnham was nominated as Vice-Chair. The motion was seconded and approved unanimously.


Jason Heath made a motion to adjourn the meeting at 9:12 p.m. and the motion was seconded and approved unanimously.

The next Meeting is scheduled for June 6, 2012 at the T.O.H.P. Essex Fire House Meeting Room, 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Bill French, Planning Board Clerk

Agenda – May 2, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. Building Inspector's Report, *or Regular Business*
- 8:00 p.m. Site Plan Review Application – 85 Choate Street – for a square footprint which will exceed 2,500 square feet – Pony Up Farm LLC, *or Regular Business*
- 8:15 p.m. Board Discussion: Regarding the Planning Board's recommendations regarding the proposed warrant article for a Northern Conomo Point Zoning District, *or Regular Business*

Regular Business

- **Correspondence**
- **Planning Board review of any new Applications** which were date/time stamped by the Town Clerk. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- **Payroll & Invoices**
- **Meeting Minutes**
- **Updates from the Chair**
- **Board Discussion – Centennial Grove Committee**
- **Board Discussion - Community Preservation Committee**
- **Board Discussion - Building Committee Update**
- **Board Discussion - Conomo Point Committee**
- **Board Discussion - Long Range Planning Committee Update**
- **Board Discussion – 2012 Town Meeting**
- **Board Discussion – New Business**
- **Board Discussion – Old Business**

Meeting to Adjourn

Next regular Planning Board Meeting will be on May 16, 2012 at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board May 2, 2012

The meeting was called to order at 7:36 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.

Attendees: Corey Jackson (CJ), Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Andrew St. John (ASTJ), Bill French (BF), Dexter Doane (DD) **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

There was no Building Inspector's Report due to the fact the Building Inspector did not have any applications which required review or approval by the Planning Board.

Regular Business

- The meeting minutes of April 18, 2012 were reviewed and unanimously approved as amended.
- Payroll

Site Plan Review – 85 Choate Street – Pony Up Farm LLC – Alan Roscoe (AR), Hancock Associates presented the plan to the Board and the public - the owner, David Fonzo was also present

Alan Roscoe (AR) explained that the request is for a pole barn which will exceed 2,500 square feet. He stated that the structure will not be used for commercial use.

KD: There is no added parking?

AR: We don't see a lot of vehicles coming in and out at this time.

KD: I see on the agenda that you met with the Conservation Commission last night. How did that go?

AR: We don't have full release from the D.E.P. yet and that hearing was continued to May 15th because some of the Commission Members would like to walk the site.

KD: Will there be any plumbing?

AR: No. It's a pole barn.

ASTJ: Have you had any conversations with the neighbors?

AR: Yes a few of the neighbors have made comments and many of them were o.k. with the idea due to the screening.

Westley Burnham went down the criteria for Site Plan Review and the Board discussed each item.

ASTJ: My only question is what is the proposed use?

WB: He defined it as a riding stable and said maybe some boarding but no major events.

ASTJ: I heard that as well, but I am wondering how many vehicles he may have at one time (on the lot) and if he would be on record regarding the number of vehicles.

AR: It will be a continuation of the previous use. It will be for boarding horses; a very unobtrusive use and he wants to fit in with his neighbors and not rock the boat. If there is any change in that we would come back to see the Board.

ASTJ: Frankly, I am just curious as to the amount of parking and if there is adequate space.

KD: How many parking spaces are there?

AR: At least room for ten cars.

ASTJ: How many stalls?

AR: At least eight stalls.

Westley Burnham continued with reviewing the criteria for Site Plan Review and the Board continued discussing each item.

The Board discussed screening. Alan Roscoe said there were some white pines (trees) and that they would need to add additional screening. Kim stated that it was on the plans. The Board agreed that they would put in the recommendations that screening be staggered ten feet apart on center.

The Board did not have anything else to add to the recommendations.

KD: I make a motion we approve the Site Plan Review for Pony Up Farm for an indoor training area pole barn structure finding it meets all the criteria of the Site Plan Review with the provision that screening be ten feet apart on center.

The motion was seconded and approved unanimously.

Board Discussion regarding the Planning Board's Recommendations for the proposed warrant article for a Northern Conomo Point Zoning District

The Board conducted a straw poll and the majority of Board Members agreed that they would not support the warrant article.

Westley shared the draft Planning Board Report regarding the Planning Board's Recommendations for the proposed warrant article for a Northern Conomo Point Zoning District and then the Board discussed the draft.

The Planning Board agreed unanimously, without prejudice to the proposed zoning district bylaw, to not recommend approval. Based on the public hearing and discussions, there is a need for developing a Land Use Master Plan prior to the creation of a Zoning District.

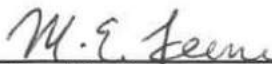
The Board has specific concerns relative to the proposed dimensional requirements and the time available to review the document.

The seven Planning Board Members were present.

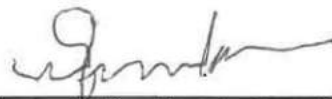
Corey Jackson made a motion to adjourn the meeting at 9:16 p.m. and the motion was seconded and approved unanimously.

The next Meeting is scheduled for May 16, 2012 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Bill French, Vice-Planning Board Clerk

Agenda – April 18, 2012 – Town of Essex Planning Board - Draft

To be held at the Essex Fire Station Meeting Room, 24 Martin Street, Essex MA

7:30 p.m. *Building Inspector's Report or Regular Business*

8:00 p.m. *Public Hearing for a Proposed Warrant Article to see if the Town will vote to amend the Zoning Bylaw, Chapter VI by inserting a new section, to be numbered as Section 6-12 Northern Conomo Point Zoning District or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on May 2, 2012 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board April 18, 2012

The meeting was called to order at 7:33 p.m. by Chair, Westley Burnham and was held at the Essex Fire Station Meeting Room. **Attendees:** Westley Burnham (WB), Andrew St. John (ASTJ), Kimberly Drake (KD) Corey Jackson (CJ) **Absentee:** Jason Heath, Dexter Doane **Building Inspector:** Bill Sanborn **Secretary:** Mary-Ellen L. Feener

Building Inspector's Report

There were no building permit applications which needed to be reviewed or approved by the Planning Board.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of April 4, 2012. A motion was made to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he was not present.

Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.

Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.

Board Discussion - Long Range Planning Committee update provided by volunteer committee member, Andrew St. John.

Public Hearing for a Proposed Warrant Article to see if the Town will vote to amend the Zoning Bylaw, Chapter VI by inserting a new section, to be numbered as Section 6-12 Northern Conomo Point Zoning District

Also present: representing the Board of Selectmen and the Conomo Point Planning Committee, Nick Cracknell and Dave Oulette of the Horsley Witten Group and a quorum of the Board of Selectmen.

The Public Hearing was called to order at 8:00 p.m. by the Chair, Westley Burnham. The Chair read the Preamble to the Public. The Chair explained that the Public Hearing was regarding the proposed warrant article for the upcoming Town Meeting and not the overall uses or the future of Northern Conomo Point. The Planning Board is required under Mass General Law 40A Section A is required to hold a Public Hearing for any proposed Zoning Bylaw Change.

WB: Ladies and gentlemen I now declare the public hearing for Northern Conomo Point Zoning District bylaw open and there is a quorum of the Planning Board present. I have few housekeeping items I have to get through first...so bear with me.

Westley read the Preamble which is read prior to all Planning Board public hearings regarding the process of the public hearing.

WB: As a reminder this hearing will be recorded and the recorder is on and please remember to identify yourselves and speak in a clear voice so our recording secretary can get it translated. There will be a five minute time limit per person to speak. I do have a stop watch up here which I will hopefully remember to turn on. This particular hearing, I want to reiterate, is not on the overall outcome of Conomo Point. It is specific to the zoning bylaw which is being presented at Town Meeting this upcoming two weeks or so (May 7th). I would just like to reinforce the pros and cons of this proposed bylaw change and limit it to that and the overall uses etc. are beyond the scope of what we will be listening to tonight. Just as clarification the Planning Board, under M.G.L. Chapter

40A, Section 5, is required to hold the public hearing on any zoning bylaw which is being presented. Presenting this bylaw is coming from the Board of Selectmen and through the Conomo Point Planning Commission. We are here only to administrate the public hearing portion and formulate a recommendation for the Town Meeting. I can read all the fancy words that basically say that if you like but Town Meeting will require a two-thirds vote to pass this and I think that is probably about it for that housekeeping.

Westley then shared the chronology of the submission of the proposed warrant article regarding the Northern Conomo Point Zoning District Bylaw with the public.

WB: Any questions on the housekeeping items? *There were no comments or questions.* Mr. Craknell, you now have the floor for an uninterrupted presentation please.

Nick Cracknell: Thank you Mr. Chairman. Once again, I am Nick Cracknell and I am working with the Horsely Witten Group and with me is Dave Oulette also from the Horsely Witten Group. We as you know have worked with the Town for several years, primarily to date on Southern Conomo Point and now, more recently going through the same approach for Northern Conomo Point. The four tasks that were in our contract with the Conomo Point Planning Committee were number one, to map out and chart the existing conditions; identify where the structures are, both primary and secondary structures, map out the lease lines, utilities and septic systems; to look at the Board of Health data that's out there, to locate the roads and prepare a survey and an existing conditions report. That was the first task. The second task was to work with the Conomo Point Planning Committee to develop some conceptual subdivision plans which would sometime later become a disposition plan. The disposition plan the Conomo Point Committee is going to be continuing to work on will determine which structures may be retained by the Town or which structures may be recommended for surplus and which ones may be recommended for a subdivision. So, we were not charged with creating a disposition plan that would go to Town Meeting but we were charged to work with the Conomo Point Planning Committee to begin that process and our third main task was to develop a zoning bylaw amendment that would theoretically allow as many structures to remain on Northern Conomo Point if the Town chooses to retain them, subdivide them or sell them. So, we are here tonight to talk about that third step which is the zoning bylaw amendment. The fourth step should the zoning bylaw be adopted is to continue working with the Conomo Point Planning Committee probably refine the subdivision plan and the potential disposition plan that would be developed by the Committee in order to eventually prepare an Preliminary and a Definitive Subdivision Plan.

Nick Cracknell explained the proposed plan in depth.

The Planning Board was given the first opportunity to ask Nick Cracknell any questions.

ASTJ: The order of goings as I understand it, this point forward is to allow the public to speak.

WB: We may also ask questions.

ASTJ: If the time comes I would love to say something.

WB: We will have ample time.

Bruce Fortier, 186 Southern Avenue, asked about the term 'year round use' and specifically how many of the properties would have year round use?

Nick Cracknell answered there were twenty homes with 'year round use'.

BRUCE F: Town Counsel has been very clear that the use goes with the buildings and to simply list it in the bylaw as all of them being seasonal ignores the fact that twenty of them will be non-conforming uses and one of the things I noticed kind of glaring at me when reading Town Councils decision is his argument that 'the Town can't do anything about that' because these are pre-existing uses and he accurately quoted the State Law on the subject and he conveniently left off the last paragraph which said, that an owner of a property can file a simple document at anytime he owns the property abandoning that property to a non-conforming use and the Town always had the power for as long as they have owned it if they want these properties to be seasonal to simply file a document with the Registry of Deeds to do so and the Selectmen and everybody else has chosen not to do that so I believe there the Townspeople are being snowed by that fact.

Bruce Fortier asked to speak about the fact that the Selectmen had handed out to the public an updated proposed warrant article at the beginning of the meeting. He said that there should have been a 'two week' notice with a new change not a 'two minute notice'. He further stated that he 'was not averse to some of the new proposed changes', but that he felt that the public hearing notice should be re-advertised to allow the public to review the new proposed warrant article.

Brendhan Zubricki, Town Administrator, explained he had spoken with Town Counsel and that the proposed changes could be brought forward this evening during the public hearing and could be presented at the night of Town Meeting and put in by motion.

Bruce Fortier said that 'our Town Counsel will say whatever their bosses want them to say' and he pointed out that historically the Moderators of Town Meetings have not allowed the addition to a proposed warrant article in such a manner; from David Lane to Rolph Madsen. '

Brendhan Zubricki: When this type of concern pops up over the years, the Moderators have consistently discussed matters with Town Counsel and I would suggest that this is a matter for the Town Moderator to discuss and not a defect of the public hearing.

Isabel Parlee, 16 Milk Street: I am just curious about... I feel like I have been somewhere else and a lot of stuff has been going on and I apologize for my ignorance or lack of knowledge. You know we went to a round table thing recently and it was very hard to get a clear sense of what the purpose for the whole community was and what the...are we putting the cart before the horse kind of thing?

Westley Burnham explained the purpose of the warrant article and how it is necessary to take what is considered one large section and potential create private individual lots due to the fact that when a Preliminary or Definitive Subdivision Plan Application is presented to the Board then there are zoning requirements in order to subdivide.

Isabel Parlee: I thought this was a geological issue regarding water and sewer and I just don't know what we are talking about here and subdividing and a bunch of little lots that I mean, what if the plan with respect to the implications to considering selling or leasing? I guess I am a little, I feel like there isn't enough information about the implication.

ASTJ: Can I respond to her?

WB: Sure. Briefly...

Andrew St. John suggested that prior to the beginning of each discussion there should be a brief discussion regarding the history of the decisions and the process of how this subject has arrived to the present point.

ASTJ: For instance, one of the huge drivers that has gotten us here was the DEP Report (Department of Environmental Protection) and if we did not have that in front of us we would not be here. I think it would be helpful for the members of the public who are not aware of the long process and how we have arrived here to have a brief update and discussion of the history of how we got here or a handout as to how we got here....it would save a lot of time.

Isabel Parlee: That would be helpful.

Westley suggested that the Selectmen consider this point and perhaps consider a handout for the public at the Town Meeting.

Sarah Dyer, 9 Indian Rock Lane: I would like to understand that this is a zoning bylaw but it seems to me that the Planning Board is not putting this on the warrant; is it the Selectmen?

WB: There are several different ways that zoning bylaws can make it to the warrant.

Bruce Fortier: There are only two ways; by petition and signature of at least ten citizens or the Selectmen. There are no other ways.

WB: The Board of Selectmen are presenting this to the warrant. It is our obligation under State law to hold the hearing so they're the ones that are advocating it. Is that clearer for you?

Sarah Dyer: I am just curious... were you involved in the process?

WB: We saw it for the first time three weeks?... a month ago? That was the original copy. The revised copy we saw tonight.

ASTJ: The answer is 'no' we were not involved.

Mike Dyer, 9 Indian Rock Lane, asked why would the Town do a subdivision plan when the proposed use has not been determined; 'why put the cart before the horse?' He stated that there are many citizens in Town are wondering why they are seeing a subdivision plan prior to a master plan and that they feel the 'whole process is upside down' and 'why we are zoning and subdividing'.

Jeff Jones, Selectmen stated that what is before the Planning Board is not a subdivision plan at this time.

BRUCE F: Westley, I would like to clarify that the Selectmen have the power to subdivide the land and that we had no votes South of Robins Island Road nor above it. Once they get money at a Special Town Meeting at which...

WB: Bruce...

BRUCE F: and they can go ahead and we had no say on the subdivisions below Robins Island Road or above it and once the zoning is established the Selectmen can subdivide the land and do what...

ASTJ: Mr. Chairman could you...

WB: Yes, they can subdivide the land. As far as tonight's hearing goes it is about the submittal of this bylaw and not as to why we don't have a Master Plan.

John Bediz, 34 Rocky Hill Road said there is confusion here that is not being clarified and that there is a lengthy process that is just beginning.

Andrew St. John explained that there is a planning process, then a legal step and then the process of subdivision and what is before the Board at this time is the second step regarding the legal process. He then stated that there had not been a planning process.

BRUCE F: This zoning bylaw is not a pre-requisite to planning it is a, as the gentleman pointed out, a 'cart before the horse thing' so that the subject of this hearing is the desirability of adopting this zoning bylaw and it seem, I hope to any rational person that though it is not rational to adopt a zoning law which is a pre-requisite to a subdivision until you first have pleaded your plan. Which I was in favor of fifteen years ago when I caused the Planning committee to be formed and it was I that recognized at the first meeting that...

WB: Bruce...

BRUCE F: That there was no intent to carry out the process and what is happening now is the winners are about to take the spoils...

WB: Thank you.

Kim Drake: I think it would be fair to say that the Board recognizes that there has been a desire on the part of the Town to see the overall Master Plan for Conomo Point but as my fellow Planning Board members have mentioned at this point we are in the public hearing for a zoning bylaw and our only charge is to discuss the zoning bylaw and it is up to the Town at Town Meeting whether or not they find it appropriate to pass a zoning bylaw at this time with or without the overall planning process being done. We are in a position now to discuss subdivision plans or overall planning. We are just here to discuss the document at hand which is the zoning bylaw and that is really our charge, you know, as the Planning Board.

WB: Just as an additional point of clarification. We are here absorbing the same information as you folks are. We are also charged with making a recommendation on the Town Meeting floor as to whether we recommend passage or not and following this hearing we will have an internal discussion with the Board and we will come up with that recommendation and have it ready for Town Meeting.

Judd Pratt, 40 Robin Island Road, asked if the year round residences will become seasonal use when transferred.

Jeff Jones, Selectmen: the intent is similar to the that of the South seasonal district which is what is consider to be a year round residence now will discontinue upon transfer.

ASTJ: Until such transfer the year round use would be allowed; correct?

Maria Burnham, Southern Avenue, asked about the lots with accessory buildings and if they could be built upon.

Nick Cracknel said that due to septic requirements and the size of the lots they could not be done.

Andrew St. John stated that he had seen septic designs that could accommodate lots of the size of the lots the accessory buildings were located.

Andrew St. John stated that he finds the proposed bylaw quite reasonable. Andrew stated that he was not in agreement with 6-12.1 Purpose as it was written. He said that he was not in agreement with 6-12.1 the reference to 'the existing historical building' since there is not a historical district in Essex.

Bruce Fortier brought forward the point that the proposed warrant article does not address Storage; i.e. boat storage. He also stated that there were no other towns in the State which regulated a seasonal use.

Andrew St. John made a motion to close the public hearing at 9:00 p.m. The motion was seconded and unanimously approved.

The motion was seconded and approved unanimously.

Andrew St. John made a motion to adjourn the meeting at 9:08 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for May 2, 2012 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Vice Planning Board Clerk

Agenda – April 4, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. *Building Inspector's Report or Regular Business*

8:00 p.m. *Board discussion and review of the Covenant and approved plan for the Southern Conomo Point Zoning District or Regular Business*

8:15 p.m. *Informal Discussion: Keith & Faith Symmes, Centennial Grove Road or Regular Business*

8:30 p.m. *Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion – Community Preservation Committee
- Board Discussion – Building Committee Update
- Board Discussion – Conomo Point Committee
- Board Discussion – Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – Public Hearing for the proposed warrant article for a Northern Conomo Point zoning district
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on April 18, 2012 at the Essex Fire Station Meeting Room

Meeting Minutes -Town of Essex Planning Board April 4, 2012

The meeting was called to order at 7:32 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.
Attendees: Westley Burnham (WB), Jason Heath (JH), Andrew St. John (ASTJ), Corey Jackson (CJ), Dexter Doane (DD), Kimberly Drake (KD) **Absentee:** Bill French - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

38 Southern Avenue – Skip Crocker - Map 34 Lot 46

BS: This is to add on a screen porch over an existing deck and to build a new attached garage. This application has the approval of Waste Water/DPW, Con. Com. and the Fire Department 911.

Chair Westley Burnham explained to the public that Skip Crocker is a volunteer fireman in Essex as are four of the Board Members though three of the Board members have no financial interest in this application. Dexter Doane due to a prior financial interest (he is a licensed carpenter and had visited the job site to present a bid to complete the work) recused himself from voting.

KJ: I move that we approve the application for 38 Southern Avenue, owned by Skip Crocker for the removal of an existing deck and the construction of an enclosed porch and a new attached garage finding it has the required approvals and that it meets the provision of Section 6-4.2 finding that the proposed use is no more detrimental than the existing use. The motion was seconded and passed by a majority.

48 Western Avenue – Paul Lantz – Map 36 Lot 65

BS: This is for the completion of a 16x14 foot deck with stairs to a second floor. This is a non-conforming lot and the proposed construction would bring the stairs closer to the lot line. This application has the approval of DPW/Wastewater and the Con. Com. Due to the recent information from Kopelman and Paige the Planning Board now has the ability to approve this plan and it does not need to go before the Board of Appeals. The Board reviewed Bylaw Section 6-4.2. The Board discussed the fact that they had made an official stance that they were not going to move forward on the case law until they came to a conclusion and they did not want to set precedence at this time.

ASTJ: I move that we deny the application due to the fact the proposed stairway construction increases the preexisting non-conformity and that the Board has not determined that we are able to approve the application under the current Bylaws. The motion was seconded and the application was denied unanimously.

The Applicant was instructed to apply for a variance with the Board of Appeals.

104 Eastern Avenue – Map 39 Lot 25 – Integrity Construction Roxanne Costello, Manager

BS: This is for the demolition of an existing dwelling and to slightly move the existing foundation and build a new building. This application has the approval of Wastewater/DPW Con. Com. and Fire Department 911. The application has the approval of the historical commission.

JH: I move that we approve the application of 104 Eastern Avenue, Integrity Construction for the demolition of the existing dwelling and we approve under Bylaw Section 6-4.2 finding that it is no more detrimental than the existing use and that it has the required approvals from the Town of Essex.

The motion was seconded and it was approved unanimously.

Southern Conomo Point Definitive Plan

The Board reviewed the approved plan, decision and the covenant. Signatures on the covenant were notarized.

Regular Business

Board Discussion Northern Conomo Point Proposed Warrant Article and Public Hearing

The Board discussed that when a definitive plan application is before the Board a concern was that a few of the lots are labeled as having an Accessory Use. The Board explained to the public in attendance as well as the Board of Selectmen in attendance that a lot cannot have an Accessory Use without a Principal Use.

Gil Guerin, Belcher Street, asked to speak with the Board. He said that the Conomo Point Committee did not unanimously agree to endorse the Northern Conomo Point Zoning District. He explained that he did not agree with the required lot dimensions, the setbacks and the maximum impervious surface allowed.

Westley Burnham explained to the public and Mr. Guerin that the Planning Board, as with the Southern Conomo Point Zoning District, the Board is first proposing a warrant article for Town Meeting. Then there may be subdivision applications. The Board is considering the zoning district. The Board is not giving their personal opinions as to the outcome of Conomo Point.

Westley also said that the Board has to consider access and the fact that the proposed roads are twenty five feet wide which do not comply with the current zoning regulations and that there are no parking restrictions.. "We are building a permanent subdivision".

The Board also asked about the section which requires 1,800 sq feet per dwelling; is that a footprint or total living area? The one and a half story maximum and would affect many of the existing structures.

Andrew St. John asked why the plan didn't show proposed uses. The drawing has a line around the waterfront which suggests that not all of Northern Conomo Point will be part of the Northern Conomo Point Zoning District. The applicant could articulate the uses at a later date. Westley pointed out that the red line is showing the mean high tide. The Selectmen agreed that it is something which could be considered for the future public hearings.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Informal Discussion: Keith & Faith Symmes, Centennial Grove Road

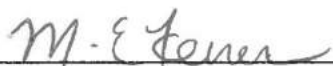
The Attorney representing Keith Symmes stated that if a 'way' was in existence prior to 1954 and serviced more than one piece of property. What the Symmes and their attorney are stating is that there was a way in existence servicing multiple lots and it is the applicant's burden to prove the existence of the right of way. The Applicant also discussed the fact that at the Town Meeting the Selectmen have stated that there is a lot restriction for the number of dwellings. The Board asked for the applicant to provide a narrative prior to the application so that the Board could have Town Counsel review the narrative.

Meeting Minutes The Board reviewed the meeting minutes of March 21, 2012. A motion was made to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

Jason Heath made a motion to adjourn the meeting at 9:52 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for April 18, 2012 at the Essex Fire House Meeting Room at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Vice Planning Board Clerk

Agenda – March 21, 2012 – Town of Essex Planning Board - Draft

To be held at the Essex Fire Station Meeting Room, 24 Martin Street, Essex MA

- 7:30 p.m. Building Inspector's Report *or Regular Business*
- 8:00 p.m. Public Hearing for the application for a TBD Essex Park Drive Definitive Subdivision Plan *or Regular Business or ANR Application – 134 Southern Avenue*
- 8:00 p.m. Public Hearing – Proposed Warrant Articles for the 2012 Town Meeting *or Regular Business or ANR Application – 134 Southern Avenue*
- 8:45 p.m. Board Discussion – Northern Conomo Point *or Regular Business or ANR Application – 134 Southern Avenue*

Regular Business

- ❖ Correspondence
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- ❖ Payroll & Invoices
- ❖ Meeting Minutes
- ❖ Updates from the Chair
- ❖ Board Discussion – Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion – Southern Conomo Point Zoning District decision and endorsement of plan
- ❖ Board Discussion - Long Range Planning Committee Update
- ❖ Board Discussion – New Business
- ❖ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on April 4, 2012 at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

Meeting Minutes -Town of Essex Planning Board March 21, 2012

The meeting was called to order at 7:37 p.m. by Chair, Westley Burnham and was held at the Essex Fire Station Meeting Room, 30 Martin Street.

Attendees: Corey Jackson (CJ), Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), Andrew St. John (ASTJ), Bill French (BF), Dexter Doane (DD) **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

There was no Building Inspector's Report due to the fact the Building Inspector did not have any applications to have reviewed or approved by the Planning Board.

Regular Business

- The meeting minutes of March 7, 2012 were reviewed and unanimously approved as amended.
- Payroll
- Board Discussion – Centennial Grove Committee update provided by volunteer committee member, Jason Heath.
- Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.
- Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.
- Board Discussion - Long Range Planning Committee update provided by volunteer committee member, Andrew St. John.

Continuation of Public Hearing for TBD Essex Park Drive Definitive Subdivision Plan

The Chair opened the public hearing at 8:00 p.m. The Chair proceeded to read to the public the letter the applicants sent to the Planning Board Office by the Applicants requesting to withdraw the Definitive Subdivision Plan Application. There was no one representing the applicants present at the meeting. A copy of the letter will be attached to the meeting minutes.

ASTJ: I move we accept the withdrawal for the TBD Essex Park Drive Definitive Subdivision Plan Application.

KD: I second the motion.

The motion was approved unanimously.

Public Hearing for the Proposed Warrant Articles for the 2012 Town Meeting

The Chair opened the public hearing at 8:00 p.m. There was one citizen in attendance.

Due to the fact that no one from the public was in attendance for the public hearing though the applicant for the ANR for 134 Southern Avenue was present at the meeting the Board decided to temporarily suspend the Public Hearing. This was proposed, seconded and approved unanimously.

ANR Application for 134 Southern Avenue, Bothways Farm Realty Trust

The applicants, Edward and Janet Jeffries had withdrawn their previous application without prejudice at a February 15, 2012 regularly scheduled meeting of the Planning Board. The applicants had completed the changes to the plan as requested by the Board. The Board reviewed the plan and confirmed the changes were made and they signed the plan and the application.



METAXAS BROWN PIDGEON LLP

March 15, 2012

Essex Planning Board
Essex Town Hall
Martin Street
Essex, MA 01929

**Re: Peter Van Wyck, Trustee Apple Street Nominee Trust/Application for
Approval of a Subdivision Plan for the Land at Essex Park Drive**

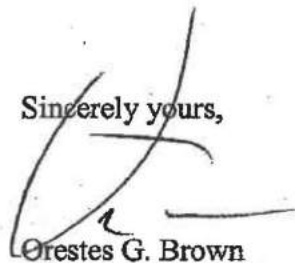
Dear Board Members:

This law office represents the Apple Street Nominee Trust (the "Applicant") with respect to the above referenced Application for Approval of a Definitive Subdivision Plan as submitted to this Board on December 3, 2008 (the "Application").

On behalf of the Applicant, we hereby withdraw the Application and request that the Planning Board allow the Application withdrawal without prejudice.

Thank you for your efforts in this matter.

Sincerely yours,



Orestes G. Brown

OGB:st

The Public Hearing for the Proposed Warrant Articles for the 2012 Town Meeting was continued

The Board reviewed the comments from Town Counsel regarding their proposal to delete the definition for 'Abutter'. The Board discussed the suggestion and decided unanimously that they would propose at Town Meeting to delete this definition from Chapter VI of the Town of Essex Bylaws.

The Board reviewed the comments from Town Counsel regarding the proposed change to the definition for 'Street'. The Board decided to proceed with the proposed Warrant Article in which, "...no new street shall be less than 44 feet in width..." is changed to, "...no new street should be less than 44 feet in width..."

Regarding this proposed Warrant Article; the Board did review the written suggestion submitted by citizen, B.J. Frye, Apple Street and member of the Conservation Commission, regarding the definition for 'Street'. The note from B.J. stated that the existing word 'principle' in this definition as it currently exists in the Bylaws is the incorrect use of the word. The definition should state "...and which affords principal means of access to abutting..." The Board agreed this change should be done.

The Board reviewed the comments from Town Counsel regarding the proposed changes to WECS Total Tower Height and the comments from Town Counsel. Jason Heath suggested that the Board discuss the requirements for permanent lighting and the towers. Following discussion regarding lighting and the towers and Board discussion regarding the towers in general it was unanimously decided that the Board would not support this proposed Warrant Article at this time but that they would discuss this topic again in the future.

The Board reviewed the proposed Warrant Article for the Flood Plain Overlay District. Westley explained that the wording in the proposed article is how it should be written in order for the citizens to obtain flood plan insurance. The Board agreed to proceed with the proposed Warrant Article.

A motion was made to close the Public Hearing at 8:37 p.m. The motion was seconded and approved unanimously.

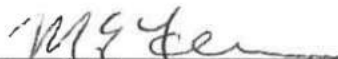
Board Discussion regarding Northern Conomo Point Zoning District

The Board reviewed the draft proposed Warrant Article presented to the Planning Board by the Selectmen. The Board also reviewed the comments sent via email by Town Counsel to the Planning Board. It was decided that a Public Hearing will be held in the near future.

Andrew St. John made a motion to adjourn the meeting at 9:05 p.m. and the motion was seconded and approved unanimously.

The next Meeting is scheduled for April 4, 2012 at the T.O.H.P. Burnham Library 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

Agenda – March 7, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report *or Regular Business*

8:00 p.m. ANR Application-Bothways Realty Trust; Edward and Janet Jeffrie, Southern Avenue *or Regular Business*

8:25 p.m. ANR Application-Keith & Faith Symmes, Centennial Grove Road *or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion – Potential upcoming public hearing for a Northern Conomo Point zoning district
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on March 21, 2012 at Essex Fire Station Meeting Room, 24 Martin Street, Essex MA

Meeting Minutes -Town of Essex Planning Board March 7, 2012

The meeting was called to order at 7:39 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. **Attendees:** Westley Burnham (WB), Corey Jackson (CJ), Bill French (BF), Dexter Doane (DD), Andrew St. John (ASTJ), Kim Drake (KD) **Absentee:** Jason Heath - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications that required review by the Planning Board.

ANR Application-Bothways Realty Trust, Edward and Janet Jeffries

At the last regularly scheduled meeting of the Planning Board the applicant withdrew his application in order to make changes to the plan. The Chair requested that this item be put on the agenda though there had been no confirmation from either the applicants or the by the Planning Board office that they would be prepared to present the revised plan.

Regular Business

The Town Administrator presented Westley with a draft covenant written by Town Counsel which requires the Town, acting through the Board of Selectmen, to meet all the conditions of the subdivision approval regarding a performance guarantee prior to the Planning Board endorsing the approved subdivision plan prior to Town Meeting and before any of the new properties are conveyed within the Southern Conomo Point Subdivision.

The Essex Town Administrator was contacted by the Town Administrators from Wenham and Hamilton to discuss how those communities are looking to restructure planning, permitting, and inspectional services functions. One topic discussed was the prospect of a Planner who could mainly serve one community but who could also serve Essex in a part-time capacity.

Kim and Andrew explained to the other Board Members that a similar proposal with the Town of Manchester was discussed a few years ago and the Board had written a list of recommendations. Kim thought she still had the list and would check her records.

Meeting Minutes The Board reviewed the meeting minutes of February 15, 2012. Andrew St. John made a motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

The Board discussed the application for the TBD Essex Park Drive Definitive Subdivision Plan. The Applicants did not submit a proper Abutters List nor did they present a new plan though they were given ample time and reminders. Westley will contact one of the applicants and explain there are two options which are the applicants to withdraw their application or have the public hearing closed and a decision to be made by the Planning Board.

The Board Secretary's payroll was reviewed and signed.

Two invoices were reviewed and signed.

ANR application of Keith and Faith Symmes for 23, 25, 27 Centennial Grove Road

Keith Symmes present

The Plan submitted to the Board showed a Way; labeled on the plan as Symmes Way. The Board inquired as to the Way and when it was established. The Board discussed the fact that this evening the applicant cannot verify the road was a way in existence prior to/when the subdivision control law took in effect by the Town as an accepted way nor has the applicant verified it is on the list held by the Town Clerk due to the fact it is on a list of ways that are publicly maintained.

The Board explained that the applicant if it was possible then it would have to be a public way and could not be a private way.

The Board asked the applicant the location of the frontage. The Board discussed the fact that the Town of Essex owns the land on Centennial Grove Road located between the road and the Symme's properties.

The Board stated that if the applicant could verify the Town has permitted the applicant to utilize the easement over the land owned the Town then the applicant may consider submitting a subdivision plan due to the fact it allows them the avenue to build a new way.

The Applicant withdrew the application without prejudice. The Board Secretary will inform the Town Clerk of the outcome.

Regular Business

- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update

Meeting Adjourn

The next meeting is scheduled for March 21, 2012 at the Meeting Room at the Essex Fire House at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

Agenda – February 15, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. *Building Inspector's Report or Regular Business*

8:00 p.m. *ANR Application-Bothways Realty Trust, Edward and Janet Jeffries or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
 - At the last regularly scheduled meeting the Board did compile a draft list of potential warrant articles to propose for the upcoming Town Meeting. The Board is considering changing the current definitions for Abutter, WEC Total Tower Height and Street and the Board will review the definition for Structure.
 - Board discussion regarding other potential warrant articles to propose for the Town Meeting.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on March 7, 2012 at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board February 15, 2012

The meeting was called to order at 7:39 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. **Attendees:** Westley Burnham (WB), Jason Heath (JH), Corey Jackson (CJ), Bill French (BF), Dexter Doane (DD) **Absentee:** Kim Drake - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications that required review by the Planning Board.

The Board and the Building Inspector discussed the current definitions in Chapter VI of the Bylaws and the potential warrant articles to propose at Town Meeting 2012.

The Board and the Building Inspector discussed the Memorandum to Municipal Clients written by Kopelman and Paige, P.C. dated February 8, 2012. The Board Secretary will send a copy of the document to the Chair of the Appeals Board.

ANR Application-Bothways Realty Trust, Edward and Janet Jeffries

The Board reviewed the application and the plan. The applicant, Edward Jeffries explained to the Board what was being proposed. The Board looked at the "Notes" on the plan. The applicant voluntarily withdrew the application and the plan. The Board Secretary will notify the Town Clerk of the outcome.

The Board reviewed the ANR application of Keith and Faith Symmes for 23, 25, 27 Centennial Grove Road. The Board will review the application at the March 7th meeting.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of February 1, 2012. Jason Heath made a motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously

Regular Business

Board Discussion – Centennial Grove Committee
Board Discussion - Community Preservation Committee
Board Discussion - Building Committee Update
Board Discussion - Conomo Point Committee
Board Discussion - Long Range Planning Committee Update

Board Discussion – 2012 Town Meeting

- The Board finalized the warrant articles to propose for Town Meeting 2012: Definitions for Abutter, WEC Total Tower Height, Street and Structure.

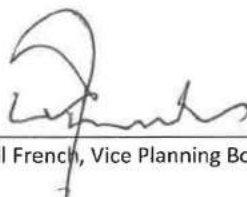
Meeting Adjourn

The next meeting is scheduled for March 7 2012 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Bill French, Vice Planning Board Clerk

Agenda – February 1, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. *Building Inspector's Report or Regular Business*

8:00 p.m. *Regular Business*

Regular Business

- **Correspondence**
- **Planning Board review of any new Applications** which were date/time stamped by the Town Clerk. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- **Payroll & Invoices**
- **Meeting Minutes**
- **Updates from the Chair**
- **Board Discussion – Centennial Grove Committee**
- **Board Discussion - Community Preservation Committee**
- **Board Discussion - Building Committee Update**
- **Board Discussion - Conomo Point Committee**
- **Board Discussion - Long Range Planning Committee Update**
- **Board Discussion – 2012 Town Meeting**
 - Flood Plain Overlay District – possible warrant article proposed by FEMA
 - A Zoning Board of Appeals/40B – possible warrant article proposed by a citizen
 - Definitions
 - General Board Discussion regarding which Warrant Articles to propose for Town Meeting 2012
- **Board Discussion – New Business**
- **Board Discussion – Old Business**

Meeting to Adjourn

Next regular Planning Board Meeting will be on February 15, 2012 at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board February 1, 2012

The meeting was called to order at 7:35 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. **Attendees:** Westley Burnham (WB), Jason Heath (JH), Andrew St. John (ASTJ), Bill French (BF)

Absentee: Corey Jackson, Kim Drake, Dexter Doane - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications that required review by the Planning Board.

The Board and the Building Inspector discussed the Memorandum to Municipal Clients written by Kopelman and Paige, P.C. regarding the Gale v. Zoning Board of Appeals of Gloucester. They also discussed the fact that the Town Administrator did ask the law firm for more information as to how this Memorandum would affect the Town of Essex and the Bylaws. Both the Planning Board and Building Inspector agreed that they will wait until they receive more information from Kopelman and Paige prior to implementing any new changes if changes are necessary.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of January 18, 2012. Jason Heath made a motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

The Board discussed the fact that the Town Clerk has documents which need to be reviewed by the certain members of the Planning Board and that certain members need to be sworn in for the other committees they serve and/or the Planning Board. The Board Secretary compiled a list and the documents/forms which need to be reviewed. For those Board members who need to review/sign documents and did not attend the meeting the Board Secretary will mail them the necessary documents as soon as possible.

- **Board Discussion – 2012 Town Meeting**
 - Flood Plain Overlay District – possible warrant article proposed by FEMA
 - The Board agreed to present the warrant article. The Board also discussed the fact that the proposed bylaw references map(s) and zone(s) which will not be available until July 2012. Westley will discuss this with the Town Administrator.
 - A Zoning Board of Appeals/40B – possible warrant article proposed by a citizen
 - The Board did ask the Board of Appeals their opinion for the proposed bylaw. The Board of Appeals did not endorse it at this time. They already tape record their Public Hearings. The Planning Board agreed that at this time they would not present such a warrant article. The Board Chair will contact Mr. Ageloff and explain what the Planning Board decided.
 - Definitions
 - The Board did compile a draft list of potential definitions; to change the current definition for **Abutter**; to change the wording in the definition of **Street**, specifically change 'shall' to 'should'; review the definition for **Structure** with the Building Inspector regarding the reference to a Building Code and potentially change that definition; review the definition for **Zoning Map** (an email was sent to the Town Clerk and the Town Administrator and they will inform the Board as to who has the map referenced in this definition); change the definition for **WEC Total Tower Height**.


Bill French made a motion to adjourn the meeting at 9:32 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for February 15, 2012 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Bill French, Vice Planning Board Clerk

Agenda – January 18, 2012 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. *Building Inspector's Report or Regular Business*

8:00 p.m. *Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on February 1, 2012 at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board January 18, 2012

Attendees: Corey Jackson (CJ), Jason Heath (JH), Andrew St. John (ASTJ), Bill French (BF) Absentee: Kimberly Drake, Westley Burnham, Dexter Doane - Building Inspector: Bill Sanborn (BS) - Secretary: Mary-Ellen L. Feener (MF)

At 7:30 p.m. a quorum was present. JH made a motion to approve ASTJ act as the pro-tem Chair in light of the fact the Chair and the Vice-Chair were unable to attend the meeting. The motion was seconded and approved unanimously.

The meeting was called to order at 7:32 p.m. by Acting Chair, Andrew St. John and was held at the T.O.H.P. Burnham Library.

Building Inspector's Report

The Building Inspector did not have any building permit applications that required review by the Planning Board.

Regular Business

The Board Secretary's payroll and an invoice were reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of January 4, 2012. Jason Heath made a motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

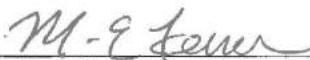
- ❖ Board Discussion – Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion - Conomo Point Committee
- ❖ Board Discussion - Long Range Planning Committee Update

Board Discussion – Potential Warrant Articles to propose for the 2012 annual Town Meeting

ASTJ shared with the Board a list of potential warrant articles and topics of discussion that he had compiled over the years while serving on the Planning Board. The Board briefly discussed the items and agreed that a few of them should be discussed further at the next meeting. The Board Secretary will compile the list.

JH asked the Board if they would consider discussing the definitions and suggestions proposed in the Three Phases of Planning Assistance Report which was written by Carolyn Britt of Community Investment Associates with Taintor and Associates in 2010 for the Town. The Board agreed and the Board Secretary will compile a list of the definitions and suggestions made in the 2010 Report for the Board to review at the next regularly scheduled meeting.

CJ made a motion to adjourn at 8:32. The motion was seconded and approved unanimously.


Mary-Ellen L. Feener, Secretary


Bill French, Vice Planning Board Clerk

Meeting Adjourned. The next regularly scheduled Planning Board Meeting will be held on February 1, 2012 at the T.O.H.P. Burnham Library

Agenda – January 4, 2012 – Town of Essex Planning Board Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. Building Inspector's Report *or Regular Business or Site Plan Review; 159 Main Street*
- 8:00 p.m. Public Hearing for Modification(s) to the Decision for the Definitive Plan Decision by the Planning Board for the Southern Conomo Point Zoning District *or Regular Business or Site Plan Review; 159 Main Street*
- 8:30 p.m. Site Plan Review; Applicants: Joe & Susan Bourneuf – 159 Main Street *or Regular Business*

Regular Business

- Correspondence
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Conomo Point Committee
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – 2012 Town Meeting
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn -

Next regular Planning Board Meeting will be on January 18, 2012 at the T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board January 4, 2012

The meeting was called to order at 7:31 p.m. by Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library. The Chair informed the Public the meeting was being recorded. **Attendees:** Corey Jackson (CJ), Kimberly Drake (KD), Westley Burnham (WB), Dexter Doane (DD), Jason Heath (JH), Andrew St. John (ASTJ) **Absentee:** Bill French - **Building Inspector:** Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications that required review by the Planning Board.

Regular Business

The Board Secretary's payroll was reviewed and signed.

Meeting Minutes The Board reviewed the meeting minutes of December 21, 2011. Jason Heath made a motion to approve the Meeting Minutes as amended. The motion was seconded and approved unanimously.

Southern Conomo Point Zoning District to Modify the Decision

Chair, Westley Burnham, opened the Public Hearing at 8:01 p.m. He then shared with the public the chronology regarding the notification of the abutters, the abutting towns/city and the Town of Essex Departments/Committees as well as the publication of the notice of the Public Hearing as required by M.G.L.

He explained the reason for the Public Hearing was that the Planning Board received a request by the Applicants/Town of Essex Board of Selectmen for a modification to the December 7, 2011 Planning Board decision.

Westley read the letter received by the Selectmen which discussed their request for the change to the original decision. A copy of the letter received from the Selectmen will be attached to these Meeting Minutes.

The Board discussed the suggested edits presented in the letter from the Applicants regarding the properties located in the seasonal cottage sub-district in the original decision.

The Board reviewed a draft of the decision with the changes which was typed by the Board Secretary.

The Chair asked if there were any comments from the public. There were none.

KD: I move that we close the Public Hearing at 8:12 p.m.
The motion was seconded and approved unanimously.

ASTJ: I move that we accept the modified decision regarding the Southern Conomo Point Definitive Plan Subdivision and the correction regarding the year round lot identifications.

WB: I, Westley Burnham approve the modifications to the Southern Conomo Point Definitive Subdivision Plan Decision dated December 7, 2011 finding it meets with the requirements of the Town of Essex Bylaws.

CJ: I, Corey Jackson approve and accept the suggested change to the Southern Conomo Point Definitive Subdivision Plan Decision finding it meets the Town of Essex Bylaws.

KD: I, Kim Drake move to accept the revisions to the decision for the Southern Conomo Point Subdivision.

DD: I, Dexter Doane agree to accept the modifications.

JH: I Jason Heath, agree to approve the modifications to the decision finding it meets the Town of Essex Bylaws.

The motion was approved unanimously and there was a quorum present.

Site Plan Review; Applicants: Joe & Susan Bourneuf – 159 Main Street

The Applicant was before the Board requesting a change of use due to the fact they would like to convert a building which has a business and an apartment to a single family home. They are not proposing any changes to the exterior of the building or the site. The Board reviewed the criteria for Site Plan Review and completed the form regarding the Board's Decision. The Board did not require that the Applicant complete any additional work for this Site Plan Review application for a change of use. The Board unanimously approved with no conditions.

Corey Jackson made a motion to adjourn the meeting at 8:28 p.m. The motion was seconded and approved unanimously.

The next meeting is scheduled for January 18, 2012 at the T.O.H.P. Burnham Library at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Corey Jackson, Planning Board Clerk

Draft Agenda – December 18, 2013
Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business or Informal Discussion

8:00 p.m. Informal Discussion – Andrew Brousseau regarding a property of Rocky Hill Road

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Vice Chair
- ✓ Board Discussion – Lowland Farm Road
- ✓ Board Discussion – January 2014 Meeting Schedule
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Town Meeting 2014
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Regularly Scheduled Meeting of the Town of Essex Planning Board will be held on
January 15, 2014 at the T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board – December 18, 2013

The Meeting was called to order at 7:32 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Corey Jackson (CJ), Kim Drake (KD), William French (WF), Westley Burnham (WB), Skip Crocker (SC), Jason Heath (JH) - **Absentee:** Dexter Doane
Building Inspector: Bill Sanborn (BS) – **Administrative Assistant:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

6 Winthrop Street – Assessor Map 36, Lot 26 – Nick and Marla Royle

The Building Permit application was to add a breezeway to the existing barn and converting the barn to an in-law, studio apartment.

The Planning Board determined in order to add a breezeway connection to the existing barn and the existing dwelling and to change from a one to a two family, the applicants would be required to appear before the Board of Appeals for a variance.

The Building Inspector initiated two Informal Discussions

The first was with Rob Gulla, an architect, who wanted to know if the property located at 6 Robbins Island Road could be rebuilt though it is currently higher than what the adopted Central Conomo Point Zoning District requirements would allow.

The Board determined the owner would need to apply for a Special Permit under Bylaw 6-12.6: Dimensional and Density Regulations, Section C: Regulation of Nonconforming Lots, Structures, and Parking Areas,

Subsection 2. Special Permit Changes:

(a) Any reconstruction, alteration, extension or addition to an existing residential structure that increases or intensifies an existing nonconformity, but does not create a new nonconformity, may be allowed by the Planning Board by a special permit, provided that the Planning Board finds that such reconstruction, alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

The second informal discussion was with the Board, the Building Inspector, Scott Dewitt, owner of 15 Story Street and Raymond Greene, owner of 15R Story Street and their concerns regarding their neighbor, John Duncan, 0 Story Street and the business he operates on his property.

The Board and the Building Inspector agreed that the course of action would be the Building Inspector would contact John Duncan and remind him of Bylaw 6-5.6 regarding screening of open uses.

Informal Discussion – Andrew Brousseau regarding a property on Rocky Hill Road

Andrew Brousseau requested to speak with the Board due to the fact that he is considering managing his composting business at this site. The Board discussed his different options with him.

Regular Business

- Payroll
- Board Discussion – Centennial Grove Committee Update was not provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Correspondence was hand delivered to the meeting by Bruce Fortier regarding a property located in the Central Conomo Point Zoning District and the Definitive Subdivision Plan currently under review by the Planning Board

A motion was made to adjourn the meeting at 8:30 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for January 15, 2014 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Administrative Assistant

Attested to:


Corey Jackson, Planning Board Clerk

Draft Agenda – December 4, 2013
Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 Building Inspector's Report or Regular Business

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Vice Chair
- ✓ Board Discussion – Lowland Farm Road
- ✓ Board Discussion – January 2014 Meeting Schedule
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Town Meeting 2014
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Regularly Scheduled Meeting of the Town of Essex Planning Board will be held on
December 18, 2013 at the T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board – December 4, 2013

The Meeting was called to order at 7:32 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Kim Drake (KD), William French (WF), Westley Burnham (WB), Skip Crocker (SC), Dexter Doane (DD), Jason Heath (JH) – **Absentee:** Corey Jackson

Building Inspector: Bill Sanborn (BS) – **Administrative Assistant:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

- Payroll
- Board Discussion – Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Board Discussion – 6 Winthrop Street

A motion was made to adjourn the meeting at 8:30 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for December 18, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Administrative Assistant

Attested to:


Corey Jackson, Planning Board Clerk

Draft Agenda – November 20, 2013
Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 – Building Inspector's Report *or Regular Business*
- 8 p.m. – Informal Discussion regarding Riverview Hill Road; Hagars *or 23 Centennial Grove Road ANR; Keith & Faith Symmes or Regular Business*
- 8:30 p.m. – 23 Centennial Grove Road ANR; Keith & Faith Symmes *or Regular Business*

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Vice Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - November 6, 2013 Public Hearings
- ✓ Board Discussion - Special Town Meeting 2013
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Regularly Scheduled Meeting of the Town of Essex Planning Board will be held on
December 4, 2013 at the T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board – November 20, 2013

The Meeting was called to order at 7:30 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex, MA.

Attendees: Kim Drake (KD), Skip Crocker (SC), William French (WF), Wes Burnham (WB), Dexter Doane (DD) - Absentees: Jason Heath, Corey Jackson

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

- Board Discussion – Centennial Grove Committee Update was not provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Payroll
-

ANR Application - Riverview Hill Road; Hagars

The Board reviewed the memo written by Attorney John J. Goldrosen, Kopelman and Paige, P.C., Town Counsel.

Chair, Kim Drake, presented a synopsis for the public attending the meeting about the memo as well as a brief history of the property.

The owners presented an ANR plan during the discussion.

The Board reviewed the plan.

Wes stated he believed the proposed 'road' is a 'fancy driveway'.

Kim mentioned that the memo from Kopelman and Paige references past ANR Plans which were endorsed by a Town of Essex Planning Board on the same access easement.

Upon further discussion between the Board and the owners, the Planning Board Members agreed to endorse the ANR Plan.

The Applicant will need to record the plan and is responsible to pay the application fee.

WB: I move we endorse the ANR, Map 41, Lot 14, James and Lynne Ann Hagar, Spring Street for land located on Riverview Road finding it meets the Town of Essex Zoning Requirements. This decision is formed on opinion from Kopelman and Paige Town Counsel in a letter dated October 23, 2013.

The motion was seconded and approved by the members present.

23 Centennial Grove Road ANR - Keith & Faith – Map 8, Lot 50

Attorney Donald M. Greenough present as well as owners Keith and Faith Symmes

Wes stated it was a 'non frontage' subdivision. Attonrey Greenough stated they (the Symmes) are asking to subdivide three lots on a public way that was established prior to 1954.

Attorney Greenough said that the Board of Selectmen will not sign an easement agreement over the land owned by the Town until the Planning Board approves an ANR Plan and Application. Wes said that the Board is 'stuck between a rock and a hard place' because there is not a signed easement which means that the lot is currently 'land locked'.

Wes suggested the owners might consider presenting a Plan to the Board of Appeals for a variance.

Kim suggested the Board schedule a site visit and the Planning Board should discuss with the Board of Selectmen and the Town Administrator so the Board many understand why the Easement has not been signed.

Attorney Greenough and the Symmes agreed to withdraw without prejudice the ANR Application and Plan.

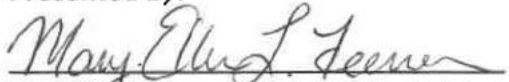
Westley made a motion to approve the withdrawl of the application by the owners without prejudice.

The motion was seconded and approved by the members present.

A motion was made to adjourn the meeting at 8:30 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for December 4, 2013 at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Administrative Assistant

Attested to:


Corey Jackson, Planning Board Clerk

Draft Agenda – November 6, 2013 – Town of Essex Planning Board

To be held at the Essex Elementary School, 12 Story Street, Essex MA

7:30 – Building Inspector’s Report or Regular Business

8 p.m. - Public Hearing or Regular Business

To see if the Town will vote to amend Section 6-3.4.2 of the Town of Essex Zoning Bylaws, Uses Requiring Special Permit, by adding a use to be known as “Medical Marijuana Treatment Center/Registered Marijuana Dispensary” as subsection “m” of said Section, and further, to amend Section 6-2.2 of the Town of Essex Zoning Bylaws, Definitions, by adding the following definition after the definition of “Lot Measurements”

8:30 p.m. - Public Hearing or Regular Business

On the application submitted by the Town of Essex Board of Selectmen for the Approval of a Definitive Subdivision Plan Application for a Central Conomo Point Zoning District under the Rules and Regulations Relative to Subdivision Control.

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Vice Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Special Town Meeting 2013
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Regularly Scheduled Meeting of the Town of Essex Planning Board will be held on November 20, 2013 at the T.O.H.P. Burnham Library

Town of Essex Planning Board – Meeting Minutes – November 6, 2013

The meeting was held at the Essex Elementary School and called to order at 7:31 p.m. by Chair, Kimberly Drake.

Attendees: Corey Jackson (CJ), Jason Heath (JH), Kimberly Drake (KD), Westley Burnham (WB), William French (WF), Dexter Doane (DD) – Absentee: Skip Crocker

Building Inspector: Bill Sanborn – Administrative Assistant: Mary-Ellen Feener

Building Inspector's Report

141 Main Street – Marlin Capital Corporation – Map 37, Lot 44A

BS: This is a discussion regarding the house located at 141 Main Street. Attending this meeting is Mr. Rice, who is the project manager. I have here a copy of the plan which was reviewed by the Planning Board in the past year. I was approached while construction was being done by one of the owners/trustees of 139 Main Street, Mr. Charles Burnham, who is an abutter. Mr. Burnham was concerned about a door which was added to the first floor which faces his property as well as an addition on the second floor which is on the existing footprint. I reviewed the Building Code for the door and it is allowed. The second floor addition does require a 6-4.2 finding. The footprint was not changed but the second floor addition does change the non-conformity of the plan.

KD: So, what we are discussing is that the house at 141 Main Street exceeds the setback limits.

BS: I would like to add that I have been talking to Mr. Burnham and Mr. Rice about this issue for the past few weeks. Mr. Burnham has told me that he does not have an issue with the second floor addition. He is questioning the door and the proximity to the lot line of 139 Main Street. I also questioned the location of the door, but after completing some research the Building Code does state that the door only has to have access to the exterior of the building which it does.

KD: I am wondering what would happen if the owners of 139 Main Street install a fence along the side where the door is located and there is a fire at 141 Main Street.

BS: What I believe the Board needs to do this evening is to decide if the second story addition requires a 6-4.2 finding.

Following Board discussion, the Board agreed the addition would require a 6-4.2 finding.

WB: I move we approve the Building Permit for 141 Main Street, Marlin Capital Corporation, under the Town of Essex Bylaw 6-4.2, finding it meets the requirements of the Town of Essex Bylaws and has the necessary approvals.

The motion was seconded and approved by the Board Member present.

Regular Business

Meeting Minutes

The Meeting Minutes of October 16, 2013, were reviewed. A motion was made to approve the minutes as amended and the motion was seconded and approved by the Board Members present.

Payroll

Correspondence

23, 25, 27 Centennial Grove Road ANR Application

The Board reviewed the ANR Application and the plan submitted by Keith and Faith Symmes. The Board will review the application at the next regularly scheduled meeting.

Public Hearing Proposed Warrant Article: "Medical Marijuana Treatment Center/Registered Marijuana Dispensary"

This Public Hearing was held to see if the Town will vote to amend Section 6-3.4.2 of the Town of Essex Zoning Bylaws, Uses Requiring Special Permit, by adding a use to be known as "Medical Marijuana Treatment Center/Registered Marijuana Dispensary" as subsection "m" of said Section, and further, to amend Section 6-2.2 of the Town of Essex Zoning Bylaws, Definitions, by adding a Definition: Medical Marijuana Treatment Center or Registered Marijuana Dispensary; or take any other action relating thereto.

There were approximately 21 people in attendance for this portion of the meeting.

A motion was made by the Board to open the Public Hearing at 8:02 p.m. The motion was seconded and approved by the Board Members present.

Chair, Kim Drake, read the Preamble for Public Hearings.

KD also read the Proposed Bylaw and shared with those attending the background regarding why the Board was holding this Public Hearing.

Female Resident of 25 County Road: I am totally against this and if it is going to be where I hear it is going to be it will abutting my property and it will make all the property values go down. I am totally against this and I think it is bad for the Town and for the citizens of Essex.

WB: I feel obligated to share the point that we have not heard of a specific proposed location. What we are doing now is proposing this falls under the Special Permit Bylaw so we can at least get a mechanism in case we do get an application. The whole Special Permit process requires that abutters are notified.

Female Resident of 25 County Road: This is going to bring in the riffraff. Lynn, Saugus, Revere, they will all be here and there will be break-ins. This is a quiet, small, sleepy town and we don't need this in this Town.

James Nidzinski, Gloucester Daily Times, requested permission to record the Public Hearing and the Board agreed.

Alfred Solibrino, 25 County Road: There should not even be a discussion on this...it is bad. Believe me, it isn't going to happen as long as I am living.

Doug Ford, Planting Hope: I would like to point out the fact I have derived from other town meetings I have attended which is should a town not want to proceed to provide a law that is enacted in the CMR there is a Hardship Program which could allow the people who qualify in needing it (*marijuana*) can grow it anywhere for themselves. By allowing someone to professionally grow it there is some control.

WB: What we are doing tonight is adding the ability for the Planning Board to review individual applications. If we don't do this then all we have is the State Law.

John Pratt, 40 Island Road: All I am suggesting is that at Town Meeting the Town may not understand this and vote it down.

WB: Brendhan (*addressing Town Administrator, Brendhan Zubricki*): Brendhan, isn't there a limit on the number of dispensaries?

Brendhan Zubricki, Town Administrator: It is my understanding that there can be up to five dispensaries in each county but they do not need to approve five dispensaries.

There were no further comments from the public or Board Members.

A motion was made to close the Public Hearing at 8:21. The motion was seconded and approved by the Board Members present.

Central Conomo Point Zoning District Definitive Subdivision Plan Application Public Hearing

There were approximately 16 people in attendance during this portion of the meeting.

A motion was made to open the Public Hearing at 8:33. The motion was seconded and approved by the Board Members present.

Chair, Kim Drake, explained to those in attendance the history of the proposed Central Conomo Point Zoning District.

Kim Drake introduced to the public Town Administrator, Brendhan Zubricki.

Brendhan Zubricki, Town Administrator, shared a brief history of the proposed subdivision and he introduced Dave Oulette, Project Engineer, of Horsley & Witten Group, Inc.

Dave Oulette shared a brief overview of the proposed subdivision with the public and the Board.

Kim asked if for the benefit of the public attending the Public Hearing could Dave Oulette review and explain the waivers being requested.

The Planning Board reviewed the requirements for a Definitive Subdivision Plan Application. KD suggested that due to the fact the subdivision is in a 100 year Flood Plain that the plan indicates this fact.

Susan Denton, 34R Robins Island Road: Are you saying a fire truck would or would not be able to go down our little road?

WB: The little road is not a feasible turn-around and we did not recommend using that portion of the road.

Susan Denton, 34R Robins Island Road: So if something happens and we need help from the Fire Department then they can access us?

KD: The purpose of this subdivision application and review of the plan is to ensure that emergency vehicles can access the houses.

John Shia, 36 Robins Island Road: I own the house that is on the lot that the Town states I own and then what I am told is that the land is owned by the Town.

John Shia read to the Board a portion of his deed. He stated that there should be some discussion and he wanted to register his disagreement with the Town.

Brendhan Zubricki, Town Administrator, stated that the Applicants/The Board of Selectmen, hired a professional land surveyor who is certified by the State. He said that he had suggested to Mr. Shia that if he wanted to dispute the lot line then he had the option to hire a professional to assist him and represent his interests.

KD suggested to the Board that the Board not arrive at a decision regarding the Definitive Subdivision Plan Application while there is a dispute due to a lot line. She further suggested that a conclusive agreement occur between both parties prior the Planning Board submitting their decision.

Brendhan Zubricki, Town Administrator, stated that he would like his request to Mr. Shia to hire a surveyor be incorporated into the meeting minutes as public record.

There were no further comments from the public or Board Members.

A motion was made to close the Public Hearing at 9:15 p.m. The motion was seconded and approved by the Board Members present.

A motion was made to adjourn the meeting at 9:17 p.m. The motion was seconded and approved by the Board Members present.

The next Meeting is scheduled for November 20, 2013 at the T.O.H.P. Burnham Library to commence at 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Administrative Assistant

Attested to:


Corey Jackson, Planning Board Clerk

Draft Agenda – October 16, 2013 – Town of Essex Planning Board

To be held at the Essex Elementary School, 12 Story Street, Essex MA

7:30 p.m. Building Inspector's Report *or Regular Business*

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Long Term Planning Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2014
- Board Discussion – Upcoming Public Hearings on November 6, 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on November 6, 2013 at the
Essex Elementary School

Meeting Minutes - Town of Essex Planning Board - October 16 2013

The Meeting was called to order at 7:30 p.m. by Chair, Kim Drake and was held at the Essex Elementary School, 12 Story Street, Essex, MA.

Attendees: Kim Drake (KD), Jason Heath (JH), Skip Crocker (SC), William French (WF), Wes Burnham (WB), Corey Jackson (CJ), *Dexter Doanne*

Absentees: ~~Dexter Doane~~

Building Inspector: Bill Sanborn (BS) - Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

- The Meeting Minutes of October 2, 2013 were reviewed and approved unanimously as amended
- Board Discussion - Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion - Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Payroll

A motion was made to adjourn the meeting at 7:52 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for November 6, 2013 at the Essex Elementary School at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Administrative Assistant

Attested to:



Corey Jackson, Planning Board Clerk

Draft Agenda – October 2, 2013 – Town of Essex Planning Board

To be held at the Essex Elementary School, 12 Story Street, Essex MA

7:30 p.m. Building Inspector's Report *or Regular Business*

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2014
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on October 16, 2013 at the
Essex Elementary School

Meeting Minutes - Town of Essex Planning Board - October 2, 2013

The Meeting was called to order at 7:31 p.m. by Chair, Kim Drake and was held at the Essex Elementary School, 12 Story Street, Essex.

Attendees: Kim Drake (KD), Jason Heath (JH), Skip Crocker (SC) , William French (WF), Dexter Doane (DD)

Absentees: Westley Burnham, Corey Jackson

Building Inspector: Bill Sanborn (BS) - Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board.

Regular Business

- The Meeting Minutes of September 18, 2013 were reviewed and approved unanimously as amended
- Board Discussion - Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion - Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Payroll

The Board reviewed the application for a Definitive Subdivision Plan for a Central Conomo Point Zoning District. The applicants are the Town of Essex Board of Selectmen. The Board discussed the cost of publishing the notices in the local newspaper, postage and the application fee. It was decided that the application fee would be waived and the Selectmen would be responsible for any other costs. The Board also discussed a site walk at Conomo Point and it was agreed to schedule a site walk to be done in the morning on Saturday, October 5, 2013.

JH: I make a motion we waive the application fee for this application.

The motion was seconded and approved by the Board Members present.

JH: I move we accept the application submitted by the Town of Essex Board of Selectmen for a Definitive Subdivision Plan for a Central Conomo Point Zoning District.

The motion was seconded and approved by the Board Members present.

A motion was made to adjourn the meeting at 8:05 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for November 6, 2013 at the Essex Elementary School at 7:30 p.m.

Presented by:

Attested to:



Mary-Ellen L. Feener, Administrative Assistant



Corey Jackson, Planning Board Clerk

Draft Agenda – September 18, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. Building Inspector's Report or Regular Business
- 8:30 p.m. Board Discussion with the Board of Selectmen regarding a Marijuana Facility
Moratorium Bylaw

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Long Term Planning Committee
- ✓ Board Discussion – Conomo Point Committee
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2014
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on October 2, 2013 at the Essex Elementary School

Meeting Minutes - Town of Essex Planning Board - September 18, 2013

The Meeting was called to order at 7:40 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex, MA.

Attendees: Kim Drake (KD), Westley Burnham (WB), Corey Jackson (CJ), Jason Heath (JH), Skip Crocker (SC) - Absentees: William French, Dexter Doane
Building Inspector: Bill Sanborn (BS) - Administrative Assistant: Mary-Ellen L. Feener

Building Inspector's Report

30 Belcher Street - David Cutter

BS: This application is to build a free standing, 26 x 52, four bay garage. The application has the approval of the Conservation Commission.

The Board reviewed the application and the plan.

JH: I make a motion that we approve the citing for a one and a half story 26 , 52 four bay, free standing garage, owned by David Cutter, finding it meets the requirements of the Town of Essex Bylaws and has the required approvals.

The motion was seconded and approved by the Board Members present.

Regular Business

- The Meeting Minutes of September 4, 2013 were reviewed and approved the Board Members present, as amended
- Board Discussion - Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion - Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Payroll

Board Discussion with the Board of Selectmen regarding a Marijuana Facility Moratorium Bylaw

Present: Board of Selectmen Members: Lisa O' Donnell and Susan Gould-Coviello-Town Administrator, Brendhan Zubricki

The Town Administrator, Brendan Zubricki, spoke on behalf of the Board of Selectmen as he presented the background as to why the Board of Selectmen were requesting the Planning Board to support a Warrant Article for a Moratorium on Marijuana Treatment Centers or Registered Marijuana Dispensaries.

Board Member, Jason Heath, suggested an alternative idea which was to propose an addition to Town of Essex Bylaw Section 6-3-Special Permits.

The Planning Board further discussed adding a Use Definition as a subsection "m" of Section 6-3, and to amend Section 6-2.2, Definitions, by adding a Definition for a Medical Marijuana Treatment Center or Registered Marijuana Dispensary.

Four of the Planning Board Members present agreed that they did not have an issue presenting such a Bylaw at the Fall Special Town Meeting. One Board Member stated he did not recommend presenting any proposed alterations of Chapter VI at a Special Town Meeting.

The Selectmen present verbally agreed that what the Planning Board was proposing may be a more feasible path to follow.

A motion was made to adjourn the meeting at 9:25 p.m. The motion was seconded and approved the Board Members present.

The next Meeting is scheduled for October 2, 2013 at the Essex Elementary School at 7:30 p.m.

Presented by:

Attested to:



Mary-Ellen L. Feener, Administrative Assistant



Corey Jackson, Planning Board Clerk

Draft Agenda – September 4, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

8:00 p.m. ANR Application 242 John Wise Avenue, Assessor's Map 21, Lot 5 - David Santomenna

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Long Term Planning Committee
- ✓ Board Discussion – Conomo Point Committee
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2014
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on September 18, 2013 at T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board – September 4, 2013

The Meeting was called to order at 7:35 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Kim Drake (KD), William French (WF), Dexter Doane (DD), Skip Crocker (SC)

Absentees: Corey Jackson, Jason Heath, Westley Burnham

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

0 Main Street – Map 33, Lot 44 – Essex Green Realty Trust; Stuart Pratt Trust

BS: This is to build a new two family property. This is for the citing of the building. The application has the approval of the DPW Wastewater, Fire Department 911 and it did not require review by the Conservation Commission.

The Board reviewed the plans and the application.

DD: I move that approve the citing of the construction of a new two family house on 0 Main Street, Essex Green Realty Trust; Stuart Pratt Trust, finding it meets the requirements of the Town of Essex Bylaws and has the necessary approvals.

The motion was seconded and approved unanimously.

ANR Application 242 John Wise Avenue, Assessor's Map 21, Lot 5 - David Santomena- Engineers: Arc Surveying and Engineering Associates, Inc.

The Board reviewed the plan and the application. The Board also reviewed correspondence from Glenn C. Gibbs, Director of Planning and Development for the Town of Ipswich.

WF: I move that we endorse the ANR Application and plan for 242 John Wise Avenue, Assessor's Map 21, Lot 5-1 and Map 21, Lot 5-2. The applicant is David Santomena of the Essex County Greenbelt Association and the Application Form was also signed by the owner of Lot 5-1, Thomas Shea. There is currently a dwelling located on lot 5-1 and it should be lot 5-2 has been deemed a non-buildable lot by the applicant and that fact is noted on the submitted plan.

The motion was seconded and approved unanimously. *by the members present.*

Regular Business

- The Meeting Minutes of August 21, 2013 were reviewed and approved unanimously as amended
- Board Discussion – Centennial Grove Committee Update was not provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was not provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Invoice
- Correspondence from a group of citizens who reside on Turtleback Road was reviewed and it was agreed the Administrative Assistant's response was appropriate. The letter and the response will be filed in the TBD Essex Park Drive file box.

A motion was made to adjourn the meeting at 8:26 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for September 18, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


Corey Jackson, Planning Board Clerk

Draft Agenda – August 21, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

8:00 p.m. ANR Application 242 John Wise Avenue, Assessor's Map 21, Lot 5 - David Santomenna or Regular Business

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Long Term Planning Committee
- ✓ Board Discussion – Conomo Point Committee
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2014
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business
- ✓

Meeting to Adjourn

Next regular Planning Board Meeting will be on September 4, 2013 at T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board

August 21, 2013

The Regularly Scheduled Meeting of the Town of Essex Planning Board was called to order at 7:35 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Kim Drake (KD), Jason Heath (JH), Westley Burnham (WB), Corey Jackson (CJ)

Absentees: Skip Crocker, William French, Dexter Doane

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

There were no Building Permit Applications which required review or approval by the Planning Board.

ANR Application 242 John Wise Avenue, Assessor's Map 21, Lot 5 - David Santomenna

Corey Jackson recused himself from board discussion and review of the proposed plan. With Corey having to recuse himself there wasn't a quorum remaining the Board could not endorse the plan. The three Board Members present did review the plan and they agreed that they would like a signature block for the Town of Ipswich on the plan.

Regular Business

- Payroll
- The Meeting Minutes of August 7, 2013 were reviewed and approved unanimously
- Board Discussion – Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided via email by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Board Discussion – 12 Scott's Way – SBA 2012 T Cassetts, LLC (AT&T)

The Board unanimously agreed that due to the Permit Extension Act the Special Permit for the property is extended to February 2017 and that the proposed fourteen (14) foot extension would not be more detrimental than what is existing and that a Public Hearing to amend the Special Permit would not be required. It was agreed the Administrative Assistant would contact the Building Inspector and SBA Communications Corporation.

Informal Discussion/ANR Application for Riverview Road, Assessor's Map 41, Lot 14 -Lynn Anne & James Hagar

Attorney E. James Kroesser and Daniel Ottenheimer Engineer and President of Mill River Consulting, present

Dan Ottenheimer shared a brief overview. Attorney Kroesser and the Board discussed the frontage. Both parties agreed to continue the discussion at a later date.

A motion was made to adjourn the meeting at 8:50 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for September 4, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Administrative Assistant

Attested to:


Corey Jackson, Planning Board Clerk
William French

Draft Agenda – August 7, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. Building Inspector's Report or Regular Business
- 7:45 p.m. Continuation of Building Inspector's Report or
Informal Discussion/ANR Application for Riverview Road, Assessor's Map 41, Lot 14 –
Lynn Anne & James Hagar or Regular Business
- 8:00 p.m. Continuation of Informal Discussion/ANR Application for Riverview Road or
ANR Application 242 John Wise Avenue, Assessor's Map 21, Lot 5 - David Santomena
or Regular Business
- 8:15 p.m. Continuation of ANR Application for 242 John Wise Avenue or
ANR Application for 17 Lufkin Point Road, Assessor's Map 20, Lots 2 & 2B - Lisa
Lambert & Joan Kitsis or
The Continuation of Central Conomo Point Zoning District Preliminary Plan Application
- 8:30 p.m. Continuation of Central Conomo Point Zoning District Preliminary Plan Application

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Long Term Planning Committee
- ✓ Board Discussion – Conomo Point Committee
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2014
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business
- ✓

Meeting to Adjourn

Next regular Planning Board Meeting will be on August 21, 2013 at T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board

August 7, 2013

The Regularly Scheduled Meeting of the Town of Essex Planning Board was called to order at 7:37 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Kim Drake (KD), William French (WF), Westley Burnham (WB), Skip Crocker (SC), William French (WF)

Absentees: Corey Jackson, Jason Heath, Dexter Doane

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

12 Scott's Way - SBA 2012 T Cassetts, LLC (AT&T)

BS: This is to add a 3 panel antennas mounted to the existing tower which will extend the height of the pole by fourteen (14) feet. I recently spoke with the Town Administrator and Town Counsel, Kopelman & Paige, and we agreed that the Planning Board could decide if the Applicant(s) would be required to request a Public Hearing for the proposed construction.

The Board and the Building Inspector reviewed the proposed construction plan and the Building Permit Application.

The Board discussed the proposed height extension and the March 20, 2012 memo written by Attorney Patricia A. Cantor of Kopelman and Paige, P.C., Town Counsel; Telecommunications Act Amendment – Existing Facilities – Approval of Modification.

The Board examined particular documents from the extensive amount of documents kept on file by the Board for 12 Scott's Way including the original Special Permit Decision dated February 5, 2003.

The dialogue between the Board, the Building Inspector and the Representative for the Applicant(s) slowly began to solely focus on one of the Conditions in the 2003 Special Permit Decision which stated: 'This special permit and all subsequent amendments shall expire on February 5, 2013.'

The Board, the Building Inspector and the Representative for the Applicant(s) decided to further investigate the possibility that the 2003 Special Permit Decision had expired and all agreed that more research would be required.

141 Rear Main Street

BS: This Building Permit Application is for renovations and a modification from a single to a two family dwelling. The property is currently used as a single family property and the owner would like to convert it a two family. The application has the approval of the Board of Health, DPW Wastewater and Fire Department 911.

The Board read the Town of Essex Bylaw 6-6.1.1 which stated one parking space per dwelling unit was necessary and the Board unanimously agreed that this property has sufficient parking spaces to satisfy the requirement.

The Board reviewed the Building Permit Application and the Building Plans. It was noted that there would be an exterior modification to an existing porch.

WB: I move we approve the modification of 141 R Main Street so that it may be converted from a single family dwelling to a two family dwelling and that we authorize the construction to include an additional porch area finding it has the required approvals and meets the Requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Informal Discussion/ANR Application for Riverview Road, Assessor's Map 41, Lot 14 -Lynn Anne & James Hagar & Daniel Ottenheimer, Engineer and President of Mill River Consulting

The Board and Dan Ottenheimer deliberated and debated extensively regarding what could be used as frontage for a lot.

Following the discussion the Board and the Applicant agreed that the subject of what could be used for frontage would need to be researched by both parties and then discussed again at a future meeting of the Board.

ANR Application 242 John Wise Avenue, Assessor's Map 21, Lot 5 - David Santomenna

The Board reviewed the Application and the Plan. The proposed subdivision involved two lots; one existing and one proposed non-buildable lot. The Application Form was only signed by one party. The Board requested that the Application Form be signed by both parties involved.

The Applicant requested that he be allowed to withdraw his Application and the Board granted his request.

ANR Application for 17 Lufkin Point Road, Assessor's Map 20, Lots 2 & 2B - Lisa Lambert & Joan Kitsis

The Board reviewed the Application and the Plan. The Applicant(s) were requesting to amend an approved Definitive Subdivision Plan which was approved by the Planning Board.

The Plan illustrated a proposed change to the lot lines.

In 2006 the Planning Board would not endorse an ANR Application for the subdivision of this property due to the fact that what was being proposed did not adhere to the requirements of the Zoning Bylaws. In 2006 the Board of Appeals granted the owners a Variance for what the owners required and in 2007 the Planning Board approved a Definitive Subdivision Application and Plan.

WF: I make a motion that we endorse the ANR Application and Plan for 17 Lufkin Point Road, owned by Lisa Lambert and Joan Kitsis, finding it has the required approvals.

The motion was seconded and approved unanimously.

Regular Business

- Payroll
- The Meeting Minutes of July 17, 2013 were reviewed and approved unanimously
- Board Discussion – Centennial Grove Committee Update was not provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided via email by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

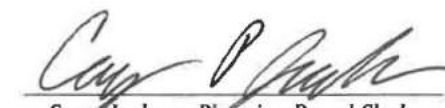
A motion was made to adjourn the meeting at 9:55 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for September 4, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:


Mary-Ellen L. Feener, Administrative Assistant

Attested to:


Corey Jackson, Planning Board Clerk

Draft Agenda – July 17, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. **Building Inspector's Report** or *Regular Business*

8:00 p.m. Board Discussion – 90 Apple Street

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2014
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on August 7, 2013 at T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board - July 17, 2013

The Meeting was called to order at 7:35 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Corey Jackson (CJ), Jason Heath (JH), Kim Drake (KD), ~~William French (WF)~~, Westley Burnham (WB), Dexter Doane (DD), Skip Crocker (SC) - **Absentee:** William French
Building Inspector: Bill Sanborn (BS) – **Administrative Assistant:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

- Payroll
- The Meeting Minutes of June 19, 2013 were reviewed and approved unanimously as amended
- Board Discussion – Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Board Discussion – 90 Apple Street

Background Information Prior to Board Discussion

On February 20, 2013, Attorney Leonard Zide telephoned the Planning Board Office just hours prior to the Regularly Scheduled Meeting to be held that evening at the T.O.H.P. Burnham Library and set to begin at 7:30 p.m.

Attorney Zide asked the Planning Board about a 2006 ANR Application and Plan which was endorsed by the Planning Board and he asked about the comments by the Planning Board had shared with the Department of Public Works regarding a 2012 Driveway Permit Application. His questions were presented to the Planning Board that evening during the Regular Business portion of the meeting.

On the telephone Attorney Zide identified himself as the Trustee of the JJML Realty Trust and owner of 95 Apple Street and representative of Arthur and Eloise Hodges of 93 Apple Street.

Attorney Zide is also a Trustee of JJC Realty Trust for 125 Apple Street which is owned by John Corcoran.

Excerpt from the approved February 20, 2013 Meeting Minutes of the Planning Board:

90 Apple Street - The Board discussed the phone call from Attorney Leonard Zide the Administrative Assistant received this evening regarding the property located at 90 Apple Street. Attorney Leonard Zide, the Trustee of JJML Realty Trust of 93 Apple Street asked if the Board was concerned about the

possibility the home owner had taken down a stone wall on a designated scenic road. The Board's response was that any questions regarding a stone wall is a not an issue at this time. The Board signed the ANR Plan in 2006 and that Board had been comfortable with signing the plan and fully understood at that time that Apple Street was a designated scenic road. The Board was also comfortable with their 2012 response and discussion with the Department of Public Works Superintendent, Paul Goodwin and the fact the Board did not have any concerns with the placement of the driveway for this property.

Following the February 20, 2013 Planning Board Meeting, Attorney L. Zide and Attorney Mathew Watsky contacted the Planning Board Office and the Department of Public Works on numerous occasions via email.

The Planning Board agreed upon the request of Attorney Zide to grant time for a Board Discussion regarding the property at the March 6, 2013 Regularly Scheduled Meeting.

Excerpt from the approved March 6, 2013 Meeting Minutes of the Planning Board:

Informal Discussion - Regarding the property located at 90 Apple Street

Mathew Watsky presented the concerns of Attorney Lenard Zide (*trustee of 95 Apple Street*), the Corcorans (*beneficiary and resident of 125 Apple Street*) and the Hodges (*trustees of 93 Apple Street*) to the Planning Board regarding the property located at 90 Apple Street.

In detail he explained to the Board how they had gathered their impressions. He shared with the Board his thoughts regarding Massachusetts General Law and designated scenic roads. He stated that their claim was that a stone wall located on a designated scenic road was improperly tampered with and/or removed by the owner Karen McNiff.

He concluded his presentation by requested the Planning Board require the property owner, Karen McNiff, to apply for a Special Permit or that she should be required to replace the stone wall they claimed she removed. (*The ANR Approval to divide one lot to be two lots was granted by the Planning Board in 2006*).

Chair Kim Drake explained the ANR Approval for any property in Essex located on a designated scenic road would not require a Special Permit Application due to the fact an ANR Application and plan would only focus on the land and either subdividing the land or in some manner moving lot lines. Kim thanked Matthew Watsky for his presentation and said that the Board will take the information presented this evening under advisement.

Attorney Albert Farrah stood, introduced himself as the attorney representing Karen McNiff and asked if he could address the Board. The Board agreed.

He shared with the Board the concerns of Karen McNiff. He began with a brief history of the legal action/court cases between Attorney Zide, the Cocorans, the Hodges and Karen McNiff which occurred in the past and stated that any court cases in the past had been dismissed and he elaborated on the reasons for the dismissals.

He read aloud for the Board the Massachusetts General Law regarding designated scenic roads and he said that it was his opinion the Statute does not trigger when a home owner hires someone to

have a percolation test done on their land for a potential septic system especially when there would be no cutting of trees or removal of stone walls.

Jason Heath recused himself from any discussion due to the fact Attorney Farrah had in the past represented the company that employs Jason with preparing legal documents.

Following the Regularly Scheduled Meeting of the Planning Board which was held on March 6, 2013 Attorney Zide requested that he be granted more time with the Planning Board to discuss his concerns and those of his colleague Attorney Matthew Watsky and their clients regarding the property located at 90 Apple Street.

His request had been granted and a Board Discussion was scheduled for the regularly scheduled meeting to be held on May 15, 2013.

Attorney Zide then requested the Board Discussion be rescheduled due to the fact that he and Attorney Watsky could not attend that particular meeting. The Planning Board agreed to reschedule.

All the people involved were notified of the change of the date for the Board Discussion.

The Board Discussion was then scheduled for the July 17, 2013 Meeting and both parties received a copy of the Agenda sent via email within a timely manner prior to the Meeting.

Board Discussion this evening

The Planning Board did recently receive two letters which were reviewed. One letter, dated May 24, 2013 was written by Attorney Matthew Watsky and the second letter was written by Daniel Ottenheimer, President of Mill River Consulting dated July 15, 2013.

Board Member, Jason Heath recused himself from all Planning Board discussions and voting and moved away from the table. *(The reason stated was Jason's employer had hired Attorney Farrah for a period of time.)*

A few people identified themselves during the course of the Board Discussion and/or have attended a past Regularly Scheduled Meeting of the Planning Board regarding this specific property. Their names are listed below.

Representing one party: The owner of the property, Karen McNiff, Trustee of Chocorua Realty Trust and representing Karen McNiff: Engineer Daniel Ottenheimer of Mill River Consulting and Attorney Albert Farrah.

Representing a second party: Attorney Mathew Watsky and Attorney Lenard Zide *(also a resident of Apple Street)*; both attorneys have stated on numerous occasions and in correspondence they are representing interests of the Corcorans and the Hodges both residents of Apple Street.

Representing the Town of Essex: Brendhan Zubricki, Town Administrator and Town Counsel, Attorney Greg Corbo, Kopelman & Paige, PC.

The Planning Board Chair Kim Drake presented a brief overview of the correspondence and interactions since January 2013 between the two parties *(listed above)* and the Planning Board.

KD also shared the history of the Planning Board's involvement regarding any applications presented to the Planning Board or the Department of Public Works by the current owner of the property located at 90 Apple Street, Karen McNiff.

One application was presented to the Department of Public Works for a Driveway Permit in June 2012. The Department of Public Works asked the Planning Board if the Board had any comments regarding the Driveway Permit Application.

KD read to the public a excerpt from the Planning Board Meeting Minutes dated June 6, 2012 regarding the recommendation of the Planning Board in response to the Department of Public Works inquiry:

"The Board reviewed the plan for the proposed driveway. The Board looked at the photo provided by the engineer. The Board will notify the DPW that they do not have any issues with the proposed driveway."

KD explained to the public how in January 2006 the Planning Board endorsed an ANR Plan and Application presented by the owner of 90 Apple Street, Karen McNiff.

Planning Board Members discussed the fact that prior to both the ANR Application in 2006 and the request from the Department of Public Works in 2012 the Planning Board Members did conduct site visits to look at the frontage of the property.

The Planning Board had agreed that on both occasions (*in 2006 & in 2012*) that the owner of 90 Apple Street was not required to request a Public Hearing under Massachusetts General Law 40, Section 15C regarding Scenic Roads.

The Planning Board Members agreed that as a Board they had followed the proper procedures for both the 2006 ANR Application and the Board's 2012 Recommendation to the Department of Public Works.

A majority of Board Members agreed and attempted to conclude their Board Discussion with the statement of no further action was required.

WB: I move that we take no further action on this request based on the fact that neither party has submitted evidence which would require the Planning Board to overturn the January 2006 Endorsement of the ANR Plan submitted by Karen McNiff of 90 Apple Street nor the June 2012 Recommendation to the Department of Public Works regarding the Driveway Permit Application submitted to their department.

The motion was seconded and approved by a majority.

Attorney Matthew Watsky stood and began addressing the Planning Board. He asked if the Planning Board reviewed the memo he submitted in May 2013 (*regarding the Scenic Road Statute and his parties request that the owner of 90 Apple Street apply for a Special Permit*).

KD replied that the Planning Board reviews all correspondence. She further explained to the public that the Planning Board had reviewed the Scenic Road Statute and shared the fact that many of the Planning Board Members had visited the property in 2006 and 2012. She further stated that the Planning Board unanimously agreed that stones on the ground did not constitute a wall.

Attorney Lenard Zide began discussing a deed restriction to the Planning Board. He further elaborated with a brief history of their involvement with the property located at 90 Apple Street which he said began in 2006 when an Apple Street resident and former Planning Board Member, Jay Sweet, had notified the Hodges that the Planning Board would soon be reviewing an ANR Application for the property located at 90 Apple Street.

KD responded with the explanation for the public how "ANR" is an acronym for Approval Not Required and that such an application is solely for the division of land and that the Planning Board's only concern with endorsing an ANR Plan is if there is adequate frontage and lot size as required by the Town of Essex Bylaws.

KD further explained how for any property in Essex if there was an agreement between parties regarding any type of restrictions, or deed restrictions the Planning Board would not review the information since such information would not be pertinent information to the Planning Board since they are private agreements between private parties.

There was a question from the public asking about the 2006 ANR Plan which the person stated illustrated a stone wall. *(Either Attorney Zide or Attorney Watsky asked the question. It was not clear who asked the question since there was a lot of overlapping of conversations with the Board from these two men.)*

KD stated that in her profession as a Landscape Architect she has seen plans that illustrated a stone wall although in actuality there was no stone wall at the site.

Town Administrator, Brendhan Zubricki introduced Greg Corbo, Town Counsel of Kopelman and Paige, PC.

Town Counsel gave an opinion about the Application of the Statute for the project.

Attorney Corbo said that it is his interpretation that the Statute requires a Public Hearing only if two conditions are met: (1) that work is being done to repair, maintain, reconstruct or pave a scenic road; and (2) that the work includes the tearing down or destruction of stone walls. He said that the Planning Board is only required to hold a Public Hearing if both these requirements are met.

He further stated that in his opinion the Planning Board has the right to decide whether to spend the time and the resources to hold a Public Hearing. Based on the evidence before the Planning Board, including the Planning Board Members' own observations in 2006 and 2012, the Planning Board believes that there is insufficient evidence to conclude that a stone wall ever existed or that such a wall had been torn down or destroyed as a result of repair, maintenance, reconstruction or paving of the way.

He concluded by saying that it is reasonable for the Planning Board to conclude that it is not required to hold a Public Hearing under these circumstances.

Following the comments by Town Counsel, Greg Corbo, this agenda item ended.

There were numerous people in attendance that left immediately once the Board Discussion regarding 90 Apple Street concluded.

Central Conomo Point Zoning District Preliminary Plan Application

Town Administrator, Brendhan Zubricki presented the CCPZD Preliminary Application and Plan to the Planning Board.

The Planning Board reviewed the Plan.

The Planning Board also reviewed the written agreement which was requested by the Planning Board Chair upon the submission of the Application and the Plan. The agreement was to extend the date for the Recommendation from the Planning Board to August 8, 2013. The agreement was submitted and filed with the Town Clerk by the Applicant(s).

The Planning Board unanimously decided that Vice-Chair, Westley Burnham would draft the Planning Board's recommendations and that the Planning Board would review the draft document and the plan at the Regularly Scheduled Meeting on August 7, 2013.

A motion was made to adjourn the meeting at 9:00 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for August 7, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:

Attested to:



Mary-Ellen L. Keener, Administrative Assistant



Corey Jackson, Planning Board Clerk *Wick*

Draft Agenda –June 19, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. **Building Inspector's Report** or *Regular Business*

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2014
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on July 17, 2013 at T.O.H.P. Burnham Library

Meeting Minutes - Town of Essex Planning Board

June 19, 2013

The Meeting was called to order at 7:31 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Corey Jackson (CJ), Kim Drake (KD), William French (WF), Westley Burnham (WB) Absentees: Dexter Doane, Jason Heath - Building Inspector: Bill Sanborn (BS) - Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

21 Lufkin Point Road - Gail Pepe & Jack Swartz - Map 20, Lot 2A
BS: Good Evening. The first application I have to present is for 21 Lufkin Point Road. The house was recently sold. The new owners would like to build a single family cape style home on the pre-existing foundation located on a .77 acre lot. The footprint is approximately 1,800 square feet. This application has the approval of the Board of Health, Conservation Commission, and the Fire Department/911. The property has a well and a private sewer system; both were approved by the Board of Health.

CJ: I move that we approve the building permit application for 21 Lufkin Point Road to demolish the existing dwelling and construct a dwelling on the existing footprint under Town of Essex Bylaw 6-4.2 finding that the proposed use is not substantially more detrimental than the nonconforming use to the neighborhood.

The motion was seconded and approved unanimously.

1 Lufkin Point Road Julie & John Burroughs - Map 20, Lot 1
BS: This application is to construct a new 38 x 37 ~~square foot~~ utility building. The building will not have indoor plumbing without the prior approval from the Board of Health however, it will have electricity. The application has sign offs from the Board of Health and the Conservation Commission.

WF: I make a motion that we approve the citing to construct a new 38 x 37 square foot utility barn for 1 Lufkin Point Road, Julie & John Burroughs, finding it has the required approvals and meets the requirements of the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Central Conomo Point Zoning District Preliminary Plan Application

The Board discussed the Preliminary Plan Application for the Central Conomo Point Zoning District which should soon be submitted by the applicants, The Town of Essex Board of Selectmen.

The Board unanimously agreed to waive the application fee.

The Board discussed and agreed that when a Definitive Plan Application is presented to the Planning Board that the applicants will be responsible for the cost of advertising for the Public Hearing Notices.

WB: I move that we agree to waive the application fee for the upcoming Preliminary Plan Application for a Central Conomo Point Zoning District.

The motion was seconded and approved unanimously.

Board Discussion - Joint Meeting with the Selectmen on June 20, 2013 regarding the Open Seat on the Planning Board

The Planning Board discussed the Joint Meeting with the Selectmen scheduled to be held on June 20, 2013 beginning at 7:15 p.m. at the T.O.H.P. Burnham Library.

Wes, Kim, Dexter, Corey, Jason and Bill have confirmed that they will be able to attend the Joint Meeting.

The Board unanimously agreed to nominate Skip Crocker's name for the open seat.

A copy of the Meeting Minutes from the Joint Meeting with the Board of Selectmen will be attached to these Meeting Minutes for June 19, 2013.

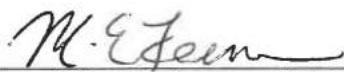
Regular Business

- Payroll
- The Meeting Minutes of June 6, 2013 were reviewed, amended and approved unanimously
- Board Discussion - Centennial Grove Committee Update: was not provided by volunteer committee member, Jason Heath.
- Board Discussion - Community Preservation Committee Update: was provided by volunteer committee member, Kimberly Drake.
- Kim Drake shared with the Board the fact that the Long Term Planning Committee has requested a volunteer from the Planning Board to join the Long Term Planning Committee.
- Board Discussion - Building Committee Update: was provided by volunteer committee member, Westley Burnham.
- Board Discussion - Conomo Point Planning Committee Update: was provided by volunteer committee member, Kimberly Drake. There will not be any meetings of the committee until the fall.

A motion was made to adjourn the meeting at 8:30 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for July 17, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:

Attested to:



Mary-ellen L. Feener, Administrative Assistant



Corey Jackson, Planning Board Clerk

Selectmen's Minutes
T.O.H.P. Burnham Library

June 20, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Town Counsel Gregg Corbo, Paula Filias, Catherine Beadle, Brad Atkinson, Ryan Cox, Aude Sisk, Steve Cuthbertson, Jim Haskell, Bing Gao, Chris Langathianos, and Kevin Duff.

Chairman Jones called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street and announced that the Board would hear Public Comment. No one offered any comment.

Kevin Duff came before the Selectmen to request a waiver of the application filing deadline and approval for a commercial clamming license. He said that he was unaware of the March filing deadline. A motion was made, seconded, and unanimously voted to waive the filing deadline and approve the clamming permit for Mr. Duff. Mr. Duff thanked the Selectmen and left the meeting.

Paula Filias came before the Selectmen with one of her tenants from her apartment building on Western Avenue, Catherine Beadle. Mrs. Filias said that she would like to voice her concerns regarding numerous patrons from The Farm (the restaurant which is across the street from her apartment building) parking in the apartment parking lot. She also said that the tenant who is renting the property next to her apartment building has been having loud parties which are keeping her tenants awake. Catherine Beadle said that she gets home from work about 12:30 a.m. and has been unable to sleep because of the noise coming from next door. The Police have been notified on numerous occasions, but the problem continues. Brad Atkinson and Ryan Cox, owners of The Farm, said that they have been careful to keep the noise at the restaurant under control. Ryan Cox also rents the property next to the Filias apartment building and he said that he has always heeded the Police when there have been noise complaints. Chairman Jones said that the noise coming from the private residence was not in the Selectmen's jurisdiction and was a Police matter. He urged both parties to meet with Chief Silva to discuss the matter further and indicated that he would speak with the Chief about the matter. The Selectmen asked that a sign be posted in a highly visible area at The Farm advising patrons not to park across the street in the apartment parking lot. Mr. Atkinson and Mr. Cox agreed to do so as soon as possible. The Selectmen thanked everyone for their comments and Mrs. Filias, Ms. Beadle, Mr. Atkinson, and Mr. Cox left the meeting.

Bing Gao, the owner of the Riverside Bistro, and his entertainment consultant, Chris Langathianos, came before the Selectmen to discuss Mr. Gao's recent request for a Sunday Entertainment License. After some discussion, a motion was made, seconded, and unanimously voted to approve and sign outside of a meeting, a State application for a Sunday Entertainment License for the Riverside Bistro to offer acoustic music on their deck or inside the restaurant at 112 Main Street between the hours of 5:00 and 8:00 p.m. on Sundays for a 60-day trial period. If no complaints are received during the 60-day trial period, the Selectmen agreed to extend the license for the balance of the year. Mr. Gao and Mr. Langathianos thanked the Selectmen and left the meeting.

Planning Board Chair Kim Drake and members Westley Burnham, Dexter Doane, William French, and Corey Jackson, joined the Selectmen to recommend that Skip Crocker be appointed to fill a vacancy on the Planning Board. After some discussion, a motion was made and seconded to appoint Skip Crocker to the balance of a 1-year term on the Planning Board. This seat will be voted on and filled at the next annual Town election in May for the remainder of the usual 5-year term. Following a unanimous Roll Call Vote by both the Board of Selectmen and the Planning Board, the Selectmen signed Mr. Crocker's appointment card for the Planning Board position. The Planning Board members left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 1st, 2013 through June 18th, 2013, regarding the following items:

Fiscal Year 2014 Prisoner Lockup Contract: Mr. Zubricki said that the Town will need to make arrangements to use the Manchester Lockup Facility until the new regional facility in Middleton becomes available. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign a contract in the amount of \$1,000, payable in two, \$500 installments, plus applicable per-prisoner fees, with Manchester for a period of one year, commencing July 1, 2013. The contract may be terminated at any time by either participant pending 30 days' notice.

Phragmites Management Plan and Winter Moth Control: Mr. Zubricki reported that the Conservation Commission has taken a resident's concerns about phragmites under advisement. He also said that this issue may be addressed in studies being conducted by two separate groups: the ACEC (Areas of Critical Environmental Concern) and/or the National Wildlife Federation. Since this plant will only grow in freshwater, it has also been suggested that the rise in sea level may serve to naturally curtail the spread of this invasive plant in the future. The Selectmen reviewed a *second communication from the resident* concerning the invasion of the winter moth and its destruction of forest leaf production. Selectman O'Donnell said that she would speak with the Wenham Tree Warden since the resident pointed out that Wenham recently used a parasitoid fly to curb the winter moth population there.

Chris Wilson and Dave Warner joined the Selectmen to voice their concerns regarding the threat of mosquito-borne diseases to residents of the Town. The Selectmen were informed and given a *list of 7 residents* who had called the Selectmen's Office to say that they could not attend tonight's Selectmen's meeting, but were in favor of the Town actively participating in a mosquito control program. Mr. Wilson said that he was very surprised when the Annual Town Meeting last May voted not to join the Northeast Mosquito Control and Wetlands Management District. After a discussion by those present, it was agreed to ask the Town to vote again on membership in the District at a Special Town Meeting in the fall. In the meantime, the Selectmen suggested the Mr. Wilson and his fellow mosquito-control advocates launch a campaign to inform Town residents of the many options available for mosquito control. The Selectmen said that the Board of Health or the State may have materials available for informing the public and also suggested having an information booth at the Clam Fest held in the fall. Mr. Zubricki also said that the Town's Code Red system could be used to alert voters to the question on the Special Town Meeting Warrant. Mr. Wilson and Mr. Warner thanked the Selectmen and left the meeting.

At 7:52 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; pending litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; and, pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing court C.A. No. 09H77SP003249; the Chairman entertained a motion to move to Executive Session. He stated that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies. Chairman Jones invited Town Administrator Brendhan Zubricki and Town Counsel Gregg Corbo to attend the Executive Session and said that the Board would be returning to Open Session in approximately one hour. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved to Executive Session and Mrs. Sisk and Mr. Cuthbertson left the room.

The Board returned to Open Session at 9:08 p.m. Attorney Corbo left the meeting and Mrs. Sisk and Mr. Cuthbertson rejoined the meeting.

In other business, a motion was made, seconded, and unanimously voted to ratify the approval of the weekly warrant in the amount of \$74,536.02.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 3rd, 2013, Open Meeting and the June 3rd, 2013, Executive Session.

Public Safety Committee Charge and Interview Questions: Mr. Zubricki said that he has updated the draft of the *charge for the new public safety committee* to include the questions for member candidates that were discussed at the last Selectmen's meeting. After some discussion, a motion was made, seconded, and unanimously voted to authorize the creation of a new Public Safety Committee and to approve the draft charge dated June 20, 2013. It was agreed that a request for interested candidates be advertised in the Boston Globe. Mr. Zubricki said that he has already been contacted by Donna Roy who is interested in joining the new committee.

Police Department Staffing: Mr. Zubricki said that the Police Department will be adding a full-time police patrolman position and are thinking about also adding a part-time position with benefits. Chief Silva would like to have someone (either a part-time police person and/or the Police Clerk) at the vacated Emergency Center some weekdays during business hours. It was agreed that Mr. Zubricki would ask the Finance Committee and Chief Silva to the next Selectmen's meeting on July 1 to discuss various aspects of this matter.

Phase IV Contract for Assessors Digital Mapping Project: Mr. Zubricki reported that the Board of Assessors has been working with Cartographic Associates, an independent consulting firm, to produce digital maps of the Town. The project is divided into four phases, the first three of which have been completed. The final phase is anticipated to begin in July 2013 and complete in September of 2014. A motion was made, seconded, and unanimously voted to approve and sign the phase four contract with Cartographic Associates.

Contract for Historic Properties Survey Plan: Mr. Zubricki reported that the Historic Commission has chosen a person to conduct the survey plan from the quotations submitted and that a contract has been prepared. A motion was made, seconded, and unanimously voted to approve and sign the contract with Wendy Frontiero to execute the survey plan of historic properties in Town.

Demolition of Structures at 5 Beach Circle: Mr. Zubricki updated the Selectmen on the status of the demolition of the structures on this property. To date, sign-offs were obtained from several departments by Mr. Zubricki and asbestos removal was completed. The buildings were demolished and carted away in five dumpsters on June 13th. The Department of Public Works will now complete cleanup of the site and stabilize the ground to prevent erosion as required by the Conservation Commission.

Assessment of Asbestos in Town Hall/Library: Mr. Zubricki said that the recent testing of the Town Hall and Library had resulted in the discovery of small amounts asbestos in several areas, that are not presently hazardous, but that will need to be attended to as part of the construction of the planned improvements are begun.

Federal Channel Dredging Discussion: Mr. Zubricki reported that both he and Selectman O'Donnell had met recently with local marina owners to discuss their views in favor of the need to dredge the Essex River channel. The Selectmen agreed with Mr. Zubricki's recommendation to ask Vine Associates, the professional consulting firm who has helped the Town with its proposed causeway boardwalk project, for a cost estimate to perform a study of the encroachments on the Essex River channel. The study will enable the Town to create a chronological list of actions needed to move from the existing condition of the channel to a perfected channel in the future.

Mr. Zubricki also mentioned that Senator Tarr is working with an alliance of municipalities north of Essex, who are seeking to replenish the vast amounts of sand that have been eroded during recent storms. It has been suggested that perhaps the sand that has been deposited in Essex from the storms could be returned to the northern communities.

Final Judgment Quarterly Report: Mr. Zubricki said that this quarter's report has been completed and a motion was made, seconded, and unanimously voted to approve and distribute the report.

Proposed Special Legislation, Town of Hamilton: Mr. Zubricki reported that Senator Tarr has said that there will be no decision on this matter until the three towns involved (Essex, Hamilton, and Wenham) can have a joint meeting of the Town Counsels to discuss the impact of the legislation on each community.

Massachusetts Downtown Initiative Technical Assistance Program: Mr. Zubricki announced that the Town has been awarded \$10,000 to develop a scope of services necessary to plan for an

improved Town Landing facility as the centerpiece of the newly created cultural district. He will serve as the Town's point of contact and a kick-off meeting will be held at the site on July 9.

Downtown Boardwalk Construction Grant Application: Mr. Zubricki said the Mr. Gao of the Riverside Bistro is in favor of the proposed boardwalk, but has reservations about it running behind his restaurant on the river-side. He would not mind the walk being on the street-side of his restaurant. An easement would be needed from Mr. Gao in order for the boardwalk to be constructed between his restaurant and the river. Mr. Zubricki said that he thought that the newly constructed sidewalk by MassDOT that is in front of the Riverside could be used as part of the local match requirement for a construction loan. He said he would ask Salem University for their opinion on the proposed changes to the boardwalk design, based on Mr. Gao's concerns. The construction grant application cannot be crafted until the final design of the project is settled.

Final MOU with National Wildlife Federation: Mr. Zubricki reported that the memorandum with the NWF has now been agreed to by both sides and Town Counsel. A motion was made, seconded, and unanimously voted to sign the document.

A motion was made, seconded, and unanimously voted to approve and sign a line item transfer request in the amount of \$16,298.42 from Wastewater Legal to Conomo Point Legal.

A motion was made, seconded, and unanimously voted to approve and sign a line item transfer request in the amount of \$18,122.23 from General Legal to Conomo Point Legal.

The Selectmen were informed that there is a vacancy on the Board of Registrars and that letters need to be sent to each political party requesting candidates to fill the vacancy. After review of a draft letter, a motion was made, seconded, and unanimously voted to sign letters to the Essex Democratic Town Committee and to the Republican State Committee (there is no existing local Republican Committee) regarding suggestions for candidates to fill a vacancy on the Essex Board of Registrars.

A motion was made, seconded, and unanimously voted to approve, and sign a renewal contract with Primoris Benefit Advisors, Inc. to provide actuarial valuation and consulting services for FY2014 related to GASB Statement No. 45.

A motion was made, seconded, and unanimously voted to sign the MIIA renewal applications for Police Professional Liability Insurance and for Public Officials Liability Insurance.

A motion was made, seconded, and unanimously voted to ratify the approval of a request from the Fire Department to pass over Essex and State roads during the Fireman's Memorial Parade on Sunday, June 9, 2013.

Mr. Zubricki announced that the preliminary subdivision plan for central Conomo Point was filed today with the Planning Board.

A motion was made, seconded, and unanimously voted to table discussion and signing of the deeds for the following leased properties at Conomo Point:

- 98 Conomo Point Road, Map 19, Lot 56
- 12 Town Farm Road, Map 19, Lot 40
- 6 Sumac Drive, Map 19, Lot 16

A motion was made, seconded, and unanimously voted to also table discussion of extending the bridge lease and purchase and sale agreement for the following properties:

- 98 Conomo Point Road, Map 19, Lot 56, Daniel Mayer
- 6 Sumac Drive, Map 19, Lot 16, Daniel Mayer
- 12 Town Farm Road, Map 19, Lot 40, Daniel Mayer

A motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement for 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell. (Permitting and installation of a tight tank is still in process. The lender will not close until a new system is installed.)

A motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement signing deadline for the following properties:

- 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann (Continuing to market the transfer of lease and purchase rights in anticipation of additional interest from prospective transferees now that warmer weather has arrived.)
- 11 Cogswell Road, Map 19, Lot 52, Bernice K. Lichtenstein (Continuing to market the transfer of lease and purchase rights in anticipation of additional interest from prospective transferees now that warmer weather has arrived.)

A motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement signing deadline for the following properties, pending payment of back taxes and rent:

- 19 Cogswell Road, Map 19, Lot 53, Estate of Hedwig Sorli (A transferee has been identified, but he is still working out the septic system upgrade requirements of his prospective lender.)

The Selectmen reviewed a request from Kristine and John True for assignment of the lease for 109 Conomo Point Road (Map 19, Lot 93) to the True Family Irrevocable Trust. Chairman Jones entertained a motion to approve the transfer of the leasehold for the property at 109 Conomo Point Road (Map 19, Lot 93) from Kristine and John True to the True Family Irrevocable Trust with the caveat that the Bridge Lease expires by its term on December 31, 2013, and that nothing in this vote shall be construed as an extension of said lease; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by Kristine and John True. The motion was moved, seconded, and unanimously voted.

A motion was made, seconded, and unanimously voted to sign the following requests for licenses and permits:

Non-Resident Recreational Clamming Permit and Waiver of Application Deadline:

- Martin Forde, of Middleton, MA sponsored by Erin Ricci of 6 Sumac Drive

One-Day Wine and Malt License:

- Apple Street Farm, Frank McClelland, for use on Friday, June 21, 2013, between the hours of 5:00 and 11:00 p.m. within the confines of the Apple Street Farm at 35 Apple Street.
- Apple Street Farm, Frank McClelland, for use on Saturday, June 22, 2013, between the hours of 5:00 and 11:00 p.m. within the confines of the Apple Street Farm at 35 Apple Street.

The Selectmen decided that they would take no action regarding an alleged Alcohol Service License violation by The Farm. Police Chief Silva will follow up with the owners of the business regarding the incident.

A motion was made, seconded, and unanimously voted to approve the following reappointments (Chairman Jones abstained from voting on the appointments for the Local Emergency Planning Committee.):

ADA Coordinator – 1 Year	
William Sanborn	
Animal Control Officer – 1 Year	
Amelia Reilly	
Building Inspector – 1 Year	
William Sanborn	
L. William Holton – Assistant	
Burial Agent – 1 Year	
Blake Story	
CATC Representative – 1 Year	
Robert Cameron	
Conservation Commission – 3 Years	
Samantha Stevens	Jamie Richardson
Council on Aging – 3 Years	
Harold Addison	Rosemarie Carr
Priscilla Doucette	Marlene Sanders
Robert Cameron	
Electrical Inspector – 1 Year	
Ramie Reader	
John Shields – Assistant	
Emergency Management Director – 1 Year	
Dan Doucette	
Essex Cultural Council – 6 Years	
Peggy Duff	

Fire Engineers Board, Deputy Chief – 1 Year Keith Carter	
Fire Engineers Board, Deputy Chief – 1 Year Ramie Reader	
Fire Engineers Board, Chief – 1 Year Dan Doucette	
Firefighter, Captain – 1 Year Ernest Nieberle, Jr.	
Firefighter, Lieutenant – 1 Year Travis Good	Joseph Lafata
David Pereen	David Thompson
Cory Jackson	
Firefighter, Arson Investigator – 1 Year Michael French	
Firefighter – 1 Year Edward Akerley	James Albani
Daniel Ball	David Barrett
Westley Burnham	Robert Cavender
Samuel Crocker	Dexter Doane
Richard Dort, Jr.	Daniel Fialho
Ronald Gallant	Warren Grant, Jr.
Jason Heath	Barry Leeds
Ivan Muise	Edward S. Neal
Peter Nich	Heather Osborn
Nicholas Ouellette	Joan Perrigo
Dennis Pyburn	Sean Reed
Sally Rich	Scott Savory
Nicholas Silva	Michael Soucy
George Stavros	Gordon Thompson
Eian Woodman	
Firefighter, Probationary – 1 Year Ryan Reed	Anthony Pizzo
Jonathan O'Bryan	Spencer Morse
Peter Hoare	
Forest Fire Warden – 1 Year Dan Doucette	
Harbormaster's Assistant – 3 Years Robert Hemeon	
Hazardous Waste Advisor – 1 Year Edward Akerley	
Local Emergency Planning Committee – 1 Year Dan Doucette	Jeffrey Jones
Elaine Wozny	Peter Silva
Paul Goodwin	

MAPC Representative – 1 Year
Peter Phippen

Open Space Committee – 1 Year
Julie Scofield
Lysa Leland

Personnel Board – 3 Years
Mark Osburn

Plumbing & Gas Inspector – 1 Year
Richard Corriere
David Pereen – Assistant

Police Officer, Sergeant, Full-Time – 3 Years
Paul Francis

Police Officer, Inspector, Full-Time – 3 Years
Michael French

Police Officer, Full-Time – 3 Years
Robert Gilardi
Ryan Davis
James Romeos

Police Officer, Part-Time – 1 Year
David Kent
Daniel Bruce
Tom Berube
Chad Lipinski
Robert Hemeon

Police Officer, Special – 1 Year
Paul C. Peoples

Ranger-Crane Wildlife Refuge – 1 Year
Donald A. Paquin

REPC Emergency Response Coordinator – 1 Year
Dan Doucette

Shellfish Constable – 3 Years
William Knovak

Shellfish Deputy Constable – 3 Years
Stephen Hartley

Town Clerk – 3 Years
Christina Wright

Town Counsel – 1 Year
Kopelman and Paige, P.C.

Treasurer/Collector – 3 Years
Virginia Boutchie

Tamson Gardner
Leslie Burns

Thomas P. Shamshak
Justin Zwicker

Alexander F. Edwards
Nicholas Hamilton
Mark Brewer
Robert Smith

The Selectmen signed the appointment cards.

The Selectmen were reminded that there will be a ceremony to honor MERSD as the recipient of the US Department of Education Green Ribbon School Award on Monday, June 24, 2013, at

1:00 pm in the MERHS School Cafeteria at 36 Lincoln Street. Please RSVP by 6/21/2013 to GreenTeam@mersd.org Selectman Gould-Coviello and/or Selectman O'Donnell will try to attend the ceremony.

The next regular Board of Selectmen's meeting will take place on Monday, July 1st, 2013, at 7:00 p.m. at T.O.H.P. Burnham Library on Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:00 p.m.

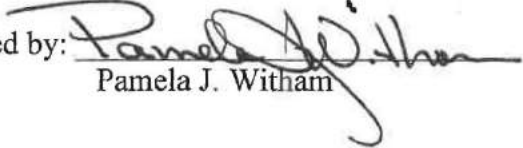
Documents used during this meeting include the following:

List of 7 residents


Second communication from the resident

Charge for the new public safety committee

Prepared by:


Pamela J. Witham

Attested by:


Lisa J. O'Donnell

Draft Agenda – June 5, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. **Building Inspector's Report** or *Regular Business*
- 7:45 p.m. **Board Discussion** – Potential Candidates for the Open Seat on the Planning Board or *Regular Business*
- 8:15 p.m. **ANR Application** – 65 Pond Street – Robert Tyack or *Regular Business*

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion – Community Preservation Committee
- ✓ Board Discussion – Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion – Town Meeting 2014
- ✓ Open Seat on the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on June 19, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board

June 5, 2013

The Meeting was called to order at 7:31 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Corey Jackson (CJ), Kim Drake (KD), William French (WF), Westley Burnham (WB), Dexter Doane (DD), Absentee: Jason Heath - Building Inspector: Bill Sanborn (BS) - Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

67 Choate Street - Map 16 Lot 9K

BS: This is for the siting of a new five bedroom, the height will be 32 feet, the living area will be 1500 square feet and there will be a garage, on a 4.2 acre lot. The application has the approval of the Board of Health, Conservation Commission, Department of Public Works for a curb cut and the Fire Department/911.

DD: I move that we approve the siting of the building for the construction of a single family dwelling finding that it meets the minimum requirements of the Town of Essex Bylaws and has the necessarily approvals.

The motion was seconded and approved unanimously.

Board Discussion with the Building Inspector

The Building Inspector and the Board discussed the Bylaw Definition for "Structure" and the Building Code referenced in the Bylaw Definition.

Potential Candidates for the Open Seat on the Planning Board

The Board met two potential candidates for the open seat on the Planning Board; Essex residents Skip Crocker and Michael Gerhardt. Both men shared with the Board a brief introduction of themselves, their qualifications to be on the Planning Board and explained why they were interested in becoming a member of the Planning Board.

ANR Application - 65 Pond Street - Robert Tyack

The Board reviewed the plan and the application.

CJ: I make a motion that we endorse the ANR Application and Plan for 65 Pond Street for Robert Tyack to create Parcel A which will be combined with the lot shown on plan as Assessor's Map 5 Lot 20, an 11.25 acre lot. The Plan is dated May 6, 2013 and it was prepared by Gateway Consultants, Inc. Lynnfield, MA.

The motion was seconded and approved unanimously.

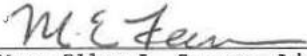
Regular Business

- Payroll
- The Meeting Minutes of May 15, 2013 were reviewed, amended and approved unanimously
- The Board reviewed the Meeting Schedule for July - October 2013
- Board Discussion - Centennial Grove Committee Update: was not provided by volunteer committee member, Jason Heath.
- Board Discussion - Community Preservation Committee Update: was provided by volunteer committee member, Kimberly Drake.
- Kim Drake shared with the Board the fact that the Long Term Planning Committee has requested a volunteer from the Planning Board to join the Long Term Planning Committee.
- Board Discussion - Building Committee Update: was provided by volunteer committee member, Westley Burnham.
- Board Discussion - Conomo Point Planning Committee Update: was provided by volunteer committee member, Kimberly Drake. There will not be any meetings of the committee until the fall.
- The Board discussed a Joint Meeting with the Selectmen scheduled to be held on June 20, 2013 beginning at 7:30 p.m. at the T.O.H.P. Burnham Library. Wes, Kim, Dexter, Corey and Bill have confirmed that they will be able to attend the Joint Meeting.

A motion was made to adjourn the meeting at 8:45 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for June 19, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:

Attested to:


Mary-ellen L. Feener, Administrative Assistant


Corey Jackson, Planning Board Clerk

Draft Agenda – May 15, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. **Building Inspector's Report** or ANR Application, Thomas Griffith, 43 County Road or Regular Business

8:00 p.m. ANR Application - Thomas Griffith -43 County Road or Regular Business

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2013
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on June 5, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board May 15, 2013

Prior to the Meeting being called to order both Corey Jackson and Jason Heath were sworn in for their terms on the Planning Board by the Assistant Town Clerk, Dottie Elwell.

The Meeting was called to order at 7:40 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library

Attendees: Corey Jackson (CJ), Kim Drake (KD), William French (WF), Westley Burnham (WB), Dexter Doane (DD), Jason Heath (JH)
- Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board.

0 Main Street

The Building Inspector initiated a conversation between Attorney Ralph Pino, representing Douglas Lowe the owner of 0 Main Street, and the Planning Board regarding a parcel of land located at 0 Main Street.

According to the attorney there is a structure on the property which is a dilapidated 'cottage' that did not have heating, plumbing or electricity.

The Board and the Building Inspector agreed that the use as a residence was abandoned and that the lot and the road were in existence prior to 1972. It was noted that the lot has sewer betterment from the Town and has the ability to connect to the sewer system. The fact that there are three properties in the same location with a shared driveway (141, 141R & 0 Main Street) and that each of the three lots involved are owned by different owners was also discussed.

WB: I make a motion that we make a finding that the lot known as map 37, Lot 44 O Main Street has been determined to be a buildable lot. O Main Street was in existence prior to 1972 and it is part of the Town of Essex sewerage system with sewer betterment.
The motion was seconded and approved unanimously.

ANR Application – 39 & 43 County Road – Assessor's Map 31

Attorney Mark Glovsky representing the Applicants Thomas Duff, Jr & Margaret Duff and Thomas Griffith & Deborah Griffith

Due to the fact that Board Member Westley Burnham resides on the same street as the Applicants he recused himself from any discussion or review.

The Board reviewed the application and the plan. The Applicants requested to move a lot line so that Lot 2, 39 County Road, owned by the Duffs will gain 4,349 square feet which was given by Lot 1, 43 County Road, owned by the Griffiths. Lot 1 will be 30,846 square feet and Lot 2 will be 174,693 square feet.

The lots are located in the Watershed Protection District. Both lots have existing dwellings on them and both lots were in existence prior to the establishment of the Town of Essex Zoning Bylaws.

According to the Town of Essex Assessor's records the Duff's home was built in approximately 1680 and the Griffith's in 1980. The Board agreed that County Road had been in existence prior to 1972.

The Board reviewed Chapter VI of the Town of Essex Bylaws and the section regarding the Watershed Protection District and the requirements and regulations.

The Board reviewed Bylaw 6-10.3.3.13: 'Residential development which renders impervious more than 15 percent of a building lot (including the portion of any new street abutting the lot) or which has a lot area of less than 40,000 square feet (excluding wetlands) for each dwelling unit;".

The Board discussed the interpretation of the term 'Residential Development' and by straw poll the majority of the Board Members agreed the term indicated new development rather than existing residential use, therefore not triggering the 40,000 sq foot minimum lot area requirement. It was agreed that the lot line could be moved.

Jason Heath did not agree and did not endorse or sign the plan.

CJ: I make a motion that we endorse the ANR Application and Plan for Lot 2, 39 County Road owned by Thomas Duff, Jr. & Margaret Duff and Lot 1, 43 County Road, Thomas Griffith & Deborah Griffith as shown on the Plan dated May 2, 2013 and done by North Shore Survey Corporation, Salem; finding it meets the requirements of the ANR Regulations and the Bylaws of the Town of Essex.

The motion was seconded and agreed upon by a majority of Board Members present. Wes had recused himself and Jason abstained from voting.


Regular Business

- ✓ Payroll
- ✓ The Meeting Minutes of May 1, 2013 were reviewed and approved
- ✓ Board Discussion – Centennial Grove Committee Update: was provided by volunteer committee member, Jason Heath.
- ✓ Board Discussion - Community Preservation Committee Update: was provided by volunteer committee member, Kimberly Drake.
- ✓ Board Discussion - Building Committee Update: was not provided by volunteer committee member, Westley Burnham.
- ✓ Board Discussion – Conomo Point Planning Committee Update: was provided by volunteer committee member, Kimberly Drake.
- ✓ Board Discussion – Town Meeting & Election 2013
 - At Town Meeting the Central Conomo Point Zoning District was approved by the required number of votes and will be now included in the Town of Essex Bylaws.
 - An updated version of Chapter VI of the Bylaws will be available from the Town Clerk once the Bylaw is reviewed and approved by the Attorney General. In the meantime the Board Members should keep their copies of the proposed CCPZD Bylaw to reference.
 - Corey Jackson was re-elected to a 5 year term and Jason Heath was re-elected to a 4 year term on the Planning Board.
- ✓ Board Discussion – The Open Seat on the Planning Board: Board Members will reach out for interested candidates to fill the one year interim term.
- ✓ Board Discussion – The Board voted for the positions on the Board. It was agreed and approved unanimously that Kim Drake will be Chair and Westley Burnham will be Vice Chair; Corey Jackson will be Clerk and Bill French will be Vice Clerk.

A motion was made to adjourn the meeting at 8:42 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for June 5, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


Corey Jackson, Planning Board Clerk

Draft Agenda – May 1, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. **Building Inspector's Report** or Informal Discussion

8:00 p.m. **Regular Business**

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2013
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on May 15, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board May 1, 2013

The Meeting was called to order at 7:38 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library

Attendees: Corey Jackson (CJ), Kim Drake (KD), Simone Early (SE), William French (WF)

Absentees: Westley Burnham, Dexter Doane, Jason Heath

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board. He did initiate a discussion with the Board regarding Special Permits.

Regular Business

- Payroll
- The Meeting Minutes of April 17, 2013 were reviewed and approved as amended.
- Board Discussion – Centennial Grove Committee Update: was not provided by volunteer committee member, Jason Heath due to the fact he was not in attendance.
- Board Discussion - Community Preservation Committee Update: was provided by volunteer committee member, Kimberly Drake.
- Board Discussion - Building Committee Update: was not provided by volunteer committee member, Westley Burnham due to the fact he was not in attendance.
- Board Discussion – Conomo Point Planning Committee Update: was provided by volunteer committee member, Kimberly Drake.
- The Board discussed the draft agenda for the May 15th Meeting of the Planning Board.
- The Board reviewed the draft letter for the Tara Road Subdivision. It was decided that a copy would be sent to all those who reside on the road and/or were part of the original subdivision application.
- The Board thanked their fellow Board Member Simone Early for serving on the Board for the last year. Simone has decided not to run for one of the open seats on the Planning Board.

A motion was made to adjourn the meeting at 7:58 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for May 15, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Administrative Assistant

Attested to:



William French, Planning Board Clerk

Meeting Minutes -Town of Essex Planning Board - April 17, 2013

The Meeting was called to order at 7:38 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Corey Jackson (CJ), William French (WF), Kim Drake (KD) - Absentees: Simone Early, Dexter Doane, Jason Heath - Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Board Discussion with the Building Inspector regarding 51 Eastern Avenue

The Board unanimously agreed Site Plan Review was not required to change the use of one of the structures currently on the lot. The structure had previously been used as a home occupation and the owners would like to change it to a residence. Currently there is also a residence on the lot. It was suggested that the owners seek the assistance of an attorney for guidance as to how they would want to proceed.

The Planning Board stated they could attach the two dwellings with a foundation and a roofed structure for a Building Permit and the owners would also need to go to the Board of Appeals to seek a variance for relief due to the size of the lot.

The Planning Board also discussed the March 13, 2013 Meeting Minutes of the Board of Appeals and the Public Hearing for 51 Eastern Avenue, which stated the Board of Appeals would consider granting a variance if the owner built a foundation connecting the two structures and they would consider granting a variance for relief regarding the lot size.

Tara Road

The Board discussed the Tara Road Subdivision and the fact there is money held in an escrow account by the Town for a Definitive Subdivision Plan Application which did not receive a final approval by the Planning Board.

Public Hearing - The adoption of an updated Appendix B

The Public Hearing was open at 8:29 p.m. by Chair, Kim Drake. No one from the public was in attendance.

WB: A motion to approve the adoption of an updated Appendix B – Special Permits with the correction of minor edits and scrivener errors; the incorporation of an updated Special Permit Application Form and an updated list of fees for Special Permit Applications. I also move that we approve the adoption of a new Site Plan Review Application Form and an updated fee for Site Plan Review Applications.

The motion was seconded and approved unanimously.

WB: I make a motion that the previous Appendix B should now be titled, The Town of Essex Planning Board Procedure Guidelines and Forms.

The motion was seconded and approved unanimously.

The Public Hearing was closed at 8:34 p.m.

Regular Business

- ✓ Payroll
- ✓ The Meeting Minutes of April 3, 2013 were reviewed and approved unanimously.
- ✓ Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he did not attend the meeting.

- ✓ Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.
- ✓ Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.
- ✓ Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.

WB: I make a motion that we suggest Brian Feener for the open position on the DPW Commission. The motion was seconded and approved unanimously. The Planning Board did not have another name.

A motion was made to adjourn the meeting 8:40 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for May 1, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:

Attested to:



Mary-Ellen L. Feener, Administrative Assistant



Bill French, Planning Board Clerk

Draft Agenda – April 3, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. **Building Inspector's Report** or *Informal Discussion*

8:00 p.m. **Regular Business**

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2013
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on April 17, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board April 3, 2013

The Meeting was called to order at 7:32 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Jason Heath (JH), Corey Jackson (CJ), Dexter Doane (DD) , Kim Drake (KD), Simone Early (SE) – Absentee: William French

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board. He did initiate a discussion with the Board regarding Special Permits.

Regular Business

- ✓ Payroll
- ✓ The Meeting Minutes of March 20, 2013 were reviewed and approved unanimously.
- ✓ Board Discussion – Centennial Grove Committee update was provided by volunteer committee member, Jason Heath.
- ✓ Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.
- ✓ Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.
- ✓ Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.
- ✓ Proposed Warrant Article for a Central Conomo Point Zoning District
The Planning Board discussed the March 20, 2013 Public Hearing regarding the proposed warrant article for a Central Conomo Point Zoning District. The Board also discussed and drafted their recommendations. The Planning Board Members present agreed without prejudice to recommend their approval for the proposed Central Conomo Point Zoning District Bylaw Amendment. The warrant article will be presented at Town Meeting 2013.

A motion was made to adjourn the meeting 8:50 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for April 17, 2013 at the T.O.H.P. Burnham Library and it will commence at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Administrative Assistant

Attested to:



Bill French, Planning Board Clerk

Agenda – March 20, 2013 – Town of Essex Planning Board - Draft

To be held at the Essex Elementary School, 12 Story Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

8:00 p.m. Public Hearing for a Proposed Bylaw Amendment for a Central Conomo Point Zoning District or Regular Business

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

*The next regularly scheduled Planning Board Meeting will be held on April 3, 2013 at the
T.O.H.P. Burnham Library, 30 Martin Street, Essex*

Meeting Minutes - Town of Essex Planning Board
March 20, 2013

Attendees: Vice-Chair, Westley Burnham (WB), Clerk, William French (WF), Jason Heath (JH), Chair, Kimberly Drake (KD), Dexter Doane (DD) - Absentees: Simone Early, Corey Jackson

Building Inspector: Bill Sanborn (absent) - Administrative Assistant: M-E Feener (absent)
Also in attendance from the Board of Selectmen: Jeffrey Jones, Chair, Lisa O'Donnell, Susan Gould-Coviello and the Town Administrator: Brendhan Zubricki

The Meeting was called to order at 7:35 p.m. by Chair, Kimberly Drake and was held at the Essex Elementary School, 12 Story Street, Essex, Massachusetts.

Building Inspector's Report

There were no building permit applications which required review or approval by the Planning Board.

Regular Business

- The Meeting Minutes of March 6, 2013 were reviewed and unanimously approved as amended.
- Payroll and Invoices
- Board & Committee Updates
- The Planning Board discussed the upcoming Public Hearing to be held on April 17, 2013 and the fact the Town Clerk recently removed all Appendices from the Town Bylaws.

Public Hearing for proposed Central Conomo Point Zoning District Bylaw

The Public Hearing was opened by Planning Board Chair, Kimberly Drake at 8:00 p.m. She read the Preamble to Public Hearings to the citizens in attendance regarding how the public hearing would proceed and how comments from the public would be addressed.

Planner Nick Cracknell representing Horsely Witten Group presented the history of what led to the proposed Central Conomo Point Zoning District Bylaw.

Attorney John Goldenrosen of Kopelman & Paige P.C. shared a general overview of the proposed Bylaw.

Town Administrator, Brendhan Zubricki provided an updated Bylaw Amendment Package to all in attendance and also submitted a letter which was sent via email by Maria Burnham, 30 Southern Avenue, regarding the proposed Bylaw.

Chair, Kimberly Drake, read for the record the written comments presented by Maria Burnham of 30 Southern Avenue and Karen Gerstch of 11 Haskell Court.

Comments from the Public

Bruce Fortier of 186 Southern Avenue had numerous comments to share with those in attendance including the following: He questioned the introduction of a new map at the Public Hearing and it was not made available for the public prior to the Public Hearing. He questioned the 'power' given to the Board of Selectmen to sell the lots if the Bylaw is passed; he brought forward the concept that Town Counsel represents numerous cities and towns in Massachusetts and is 'in collusion' with the Town Boards and he felt strongly that the Planning Board should have separate legal counsel; and he commented about his concerns that there are lots represented on the Town of Essex Tax Maps not representative of the fact that Conomo Point is one lot owned by the Town of Essex.

Kimberly Drake and Westley Burnham of the Planning Board responded to his comments. Brendan Zubricki, Nick Cracknell and Selectmen, Susan Gould-Coviello also responded.

Elizabeth Story of 28 Lebaron Road, asked about the proposed sewage disposal and the cost of the proposed systems as well as the involvement of the Department of Environmental Protection and why didn't the proposed zone include conforming sized lots? She also stated that the citizens of Essex voted for open parkland.

Brendhan Zubricki explained the septic and sewer concerns as well as the involvement of the Department of Environmental Protection. He further explained that the proposed lots were based on the existing conditions at the site and the fact that the goal was to maximize the financial benefits to the Town of Essex.

Maria Burnham, 30 Southern Avenue, asked if the Town of Essex was culpable if the homes and the people residing in the homes were destroyed by a storm due the fact they may be in a flood zone and she reiterated many of the points in her letter/email she submitted prior to the Public Hearing. (A copy of which will be included in the public file with the Planning Board Office.)

Responses to Maria Burnham's questions and points were addressed by Brendhan Zubricki, the Board of Selectmen and the Planning Board.

Sandra Shaw, 7 Lufkin Point Lane, asked why 'Clammer's Beach' and Beach Circle were not being considered as prime areas for public Parks and Recreation areas.

Scottie Robinson 4 Turtleback Road commented about the proposed narrow road width and asked about a section in the Bylaws regarding merging lots.

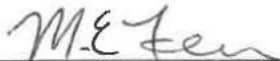
Nick Cracknell addressed her comment and question. He said that the roadways are addressed or are in process and he clarified the term, "merger" in the Bylaws.

Karen Birch of 8 Patriots Landing, asked why the two areas couldn't be considered to be separate subdivisions and she stated she believed the townspeople requested that there be Open Space and that she felt the request was not being addressed.

Nick Cracknell explained the process of how they derived the proposed Bylaw and the reasoning for the current proposed plan.

A motion to adjourn the Public Hearing and the Meeting was made by Jason Heath at 9:42 p.m. The motion was seconded and approved unanimously.

Presented by:



Mary-Ellen Feener, Administrative Assistant

Attested to:



William French, Planning Board Clerk

Agenda – March 6, 2013 – Town of Essex Planning Board - Draft

To be held at the Essex Elementary School, 12 Story Street, Essex MA

- 7:30 p.m. Building Inspector's Report or Regular Business or next agenda item
- 8:00 p.m. The presentation of a proposed bylaw amendment for a Central Conomo Point Zoning District in anticipation of a public hearing on March 20th
- 8:30 p.m. Continuation of the 8:00 p.m. agenda item or Informal Discussion with Attorney Lenoard Zide, Trustee of JJML Realty Trust representing the Trust and the Corcorans and the Hodges both of Apple Street regarding the property located at 90 Apple Street owned by Karen McNiff or Regular Business
- 9:00 p.m. Regular Business, Board Discussion or Meeting to Adjourn

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

The next regular Planning Board Meeting will be on March 20, 2013 at the Essex Elementary School

Meeting Minutes -Town of Essex Planning Board March 6, 2013

The Meeting was called to order at 7:32 p.m. by Chair, Kim Drake and was held at the Essex Elementary School.

Attendees: Westley Burnham (WB), Jason Heath (JH), Corey Jackson (CJ), Bill French (BF), Dexter Doane (DD) , Simone Early (SE) , Kim Drake (KD)

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

31 Forest Ave – William Kiester – Assessor's Map 10, Lot 19A

BS: This is for a barn with a loft to be set on steel piers with no plumbing. The application has the approval of DPW/Wastewater, Conservation Commission and the Fire Department 911.

The Board reviewed the application and the plan.

DD: I move we approve the Building Permit Application for William Kiester of 31 Forest Avenue for a barn with loft which will not have plumbing finding it meets the requirements of the Town of Essex Bylaws and has the required approvals.

The motion was seconded and approved unanimously.

10 Harlow Street – Gonyea Construction -Assessor's Map 15, Lot 31A

BS: This building permit application is for the addition of a one bedroom apartment. The application has the approval of the DPW Wastewater, Conservation Commission and Fire Department 911.

The Board discussed if a Site Plan Review was necessary and unanimously decided one was not required.

JH: I move we approve the conversion of the property from a single family to a two family and the citing for the 37 x 25 square foot addition which will be an apartment with plumbing; finding it meets the requirements of the Town of Essex Bylaws and has the required approvals.

The motion was seconded and approved unanimously.

Regular Business

- ✓ Payroll
 - ✓ The Meeting Minutes of February 20, 2013 were reviewed and approved unanimously.
 - ✓ Board Discussion – Centennial Grove Committee update was provided by volunteer committee member, Jason Heath.
 - ✓ Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake.
 - ✓ Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham.
 - ✓ Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake.
-

Presentation - Central Conomo Point Zoning District - In anticipation of a Public Hearing on March 20, 2013

There were fifteen (15) people in attendance during this portion of the meeting which included the Board of Selectmen, a Representative from Horsley Witten Group, Dave Oulette and the Town Administrator, Brendhan Zubricki.

Chair, Kim Drake gave a brief introduction to the public and explained to the public that Members of the Town of Essex Board of Selectmen were in attendance for a Joint Meeting specifically for this presentation.

Dave Oulette, Horsley Witten Group, presented to the Planning Board and the public an overview of the proposed zoning district.

Westley Burnham voiced concerns regarding the one privately owned parcel of land located at 68B Robins Island and what was illustrated on the proposed zoning district. He asked about the 2,500 square foot parcel owned by the Town and what actions would be taken so that the Town owned parcel be combined with the other privately owned parcel and he asked what was being proposed for the dwelling which currently straddles both parcels. One of the concerns Wes discussed was the potential situation that in the future the 2,500 square foot parcel could be considered to be a separate lot.

There was discussion about the two parcels and the dwelling amongst the Board Members and Town Administrator, Brendhan Zubricki.

Wes suggested that the proposed zoning district not carve out the 2,500 square foot parcel at this time and in the future address the two parcels with the subdivision process. (The next step following the Town Meeting if the zoning district is approved would be for the applicant(s) to submit a Preliminary or Definitive Subdivision Plan Application).

Brendhan said that is good insight regarding the parcels and the dwelling and that he and the Board of Selectmen would take the suggestion under advisement.

Jason Heath asked about a property located on Beach Circle and the zoning district boundary goes directly through the house which is located on Town owned land and privately owned land.

Brendhan responded that the property in question will not be an issue soon due to the fact that a letter was sent to the former tenant letting the tenant know that the Selectmen were in the process of obtaining a demolition permit for the structure.

Wes asked if a larger copy of the plan could be available for the public hearing. Brendhan did say it could be done.

Kim suggested that the Southern Comono Point District be shown on the proposed zoning district.

Kim asked if all the homes were to be deemed as having seasonal occupancy use upon the transfer of ownership.

Brendhan replied that currently there were about seven homes allowed to have year round occupancy and that it is the intention of the Board of Selectmen for all the current homes which have approval for year round occupancy use to be allowed only seasonal use upon the transfer of ownership/title.

There was more discussion regarding the property located at 68B Robins Island being unique for the area due to the fact that the majority of the land on which the structure/home is located is on privately owned land versus Town owned land.

Wes asked Brendhan if the owner, Mr. Shaw, was aware of the fact that upon the transfer of ownership the use will be changed from year round occupancy to seasonal.

Brendan replied that he believed Mr. Shaw was aware of the fact but that he would make an effort to ensure that Mr. Shaw understands what will happen upon the transfer of ownership.

We asked if properties currently held in Trusts would be affected regarding seasonal and year round occupancy use. Brendan stated that the Board of Selectmen discussed that question and agreed on a policy for properties held in Trusts when the Southern Conomo Point Zoning District was approved. He stated they had developed language that would not allow properties held in Trusts to be passed on for multiple generations as having year round occupancy use.

The public was encouraged to submit any comments or questions that they might have to the Planning Board prior to the public hearing to ensure they are addressed.

Informal Discussion - Regarding the property located at 90 Apple Street

Mathew Watsky presented the concerns of Attorney Lenard Zide (*trustee of 95 Apple Street*), the Corcorans (*beneficiary and resident of 95 Apple Street*) and the Hodges (*trustees of 93 Apple Street*) to the Planning Board regarding the property located at 90 Apple Street.

In detail he explained to the Board how they had gathered their impressions. He shared with the Board his thoughts regarding Massachusetts General Law and designated scenic roads. He stated that their claim was that a stone wall located on a designated scenic road was improperly tampered with and/or removed by the owner Karen McNiff.

He concluded his presentation by requested the Planning Board require the property owner, Karen McNiff, to apply for a Special Permit or that she should be required to replace the stone wall they claimed she removed. (*The ANR Approval to divide one lot to be two lots was granted by the Planning Board in 2006*).

Chair Kim Drake explained the ANR Approval for any property in Essex located on a designated scenic road would not require a Special Permit Application due to the fact an ANR Application and plan would only focus on the land and either subdividing the land or in some manner moving lot lines. Kim thanked Matthew Watsky for his presentation and said that the Board will take the information presented this evening under advisement.

Attorney Albert Farrah stood, introduced himself as the attorney representing Karen McNiff and asked if he could address the Board. The Board agreed.

He shared with the Board the concerns of Karen McNiff. He began with a brief history of the legal action/court cases between Attorney Zide, the Cocorans, the Hodges and Karen McNiff which occurred in the past and stated that any court cases in the past had been dismissed and he elaborated on the reasons for the dismissals.

He read aloud for the Board the Massachusetts General Law regarding designated scenic roads and he said that it was his opinion the Statute does not trigger when a home owner hires someone to have a percolation test done on their land for a potential septic system especially when there would be no cutting of trees or removal of stone walls.

Jason Heath recused himself from any discussion due to the fact Attorney Farrah had in the past represented the company that employs Jason with preparing legal documents.

A motion was made to adjourn the meeting 9:00 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for March 20, 2013 at the Essex Elementary School commencing at 7:30 p.m.

Presented by:

Attested to:



Mary-Ellen L. Feener, Administrative Assistant



Bill French, Planning Board Clerk

Agenda – February 20, 2013 – Town of Essex Planning Board - Draft

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business or Informal Discussion

8:00 p.m. Informal Discussion with Board of Selectmen regarding Northern Conomo Point

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion - Long Range Planning Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on March 6, 2013 – location TBA

Meeting Minutes -Town of Essex Planning Board February 20, 2013

The Meeting was called to order at 7:35 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Bill French (BF) Corey Jackson (CJ), Kim Drake (KD),

Absentees: Dexter Doane, Simone Earley, Jason Heath

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board.

Regular Business

- The Meeting Minutes of February 6, 2013 were reviewed and approved unanimously as amended.
- Payroll
- Invoice for copies of plans for Planning Board files.
- **5 Martin Street** - Review and signature of the updated Site Plan Review Approved Amendment regarding 5 Martin Street – Planning Board A.A. will make sure a copy of the updated decision is filed and attached to the approved meeting minutes of January 16, 2013 to ensure any future reader of the minutes would understand the changes made to the decision and how the information differs from the approved Meeting Minutes of January 16, 2013.
- **90 Apple Street** - The Board discussed the phone call from Attorney Leonard Zide the Administrative Assistant received this evening regarding the property located at 90 Apple Street. Attorney Leonard Zide, the Trustee of JJML Realty Trust of 93 Apple Street asked if the Board was concerned about the possibility the home owner had taken down a stone wall on a designated scenic road. The Board's response was that any questions regarding a stone wall is a not an issue at this time. The Board signed the ANR Plan in 2006 and that Board had been comfortable with signing the plan and fully understood at that time that Apple Street was a designated scenic road. The Board was also comfortable with their 2012 response and discussion with the Department of Public Works Superintendent, Paul Goodwin and the fact the Board did not have any concerns with the placement of the driveway for this property.

Conomo Point Discussion with the Board of Selectmen

The Planning Board discussed a proposed Bylaw for a Central Conomo Point Zoning District with two Members of the Board of Selectmen, Jeffrey Jones and Susan Gould-Coviello and the Town Administrator, Brendhan Zubricki.

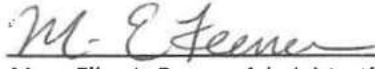
The proposed plan would have a Central Conomo Point Zoning District. There is an approved Southern Conomo Point Zoning District) and the Brendhan stated it would be the intent of the Selectmen upon suggestions from the public, to have the Town of Essex keep the Northern Section of Conomo Point as one parcel.

The Board will hold a Joint Meeting with the Board of Selectmen on March 6, 2013 which will be held at the Essex Elementary School and a Public Hearing has been proposed to be held on March 20, 2013 at the Essex Elementary School.

A motion to adjourn was made at 8:40 p.m.

The motion was seconded and approved unanimously. The next Meeting is scheduled for March 6, 2013 at the Essex Elementary School commencing at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Administrative Assistant

Attested to:



Bill French, Planning Board Clerk

Draft Agenda – February 6, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. **Building Inspector's Report** or *Informal Discussion: Attorney John Guerin representing Sequoia Realty Trust regarding 5 Martin Street or Regular Business*

8:00 p.m. **Preliminary Subdivision Plan Application: TBD Essex Park Drive**

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Updates from the Chair
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion - Town Meeting 2013
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on February 20, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board February 6, 2013

The Meeting was called to order at 7:45 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Bill French (BF), Simone Early (SE), Kim Drake (KD), Dexter Doane (DD) -

Absentees: Corey Jackson, Jason Heath

Building Inspector: Bill Sanborn (BS) – **Administrative Assistant:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board.

Regular Business

- The Meeting Minutes of January 16, 2013 were reviewed and approved unanimously.
- Payroll
- Board Discussion – Centennial Grove Committee update was not provided by volunteer committee member, Jason Heath due to the fact he did not attend the meeting.
- Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake. The Committee has not met recently.
- Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham. The Committee has not met recently but Westley believes they may meet soon.
- Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake. The Committee will be meeting tomorrow evening for the final Public Forum.
- Board Discussion - Town Meeting 2013: A potential warrant article for a Northern Conomo Point Zoning District Bylaw and the potential of presenting the updated list of fees as a warrant article
- The Board reviewed the Planning Board Annual Report

Preliminary Subdivision Plan Application: TBD Essex Park Drive

John Morin (JM), Neve-Morin Group; Engineer was present as the representative of the Apple Street Nominee Trust. There were other citizens in attendance as well for this portion of the meeting.

Due to the fact that Chair Kim Drake was absent from the meeting held on January 2, 2013 and Westley Burnham was the Acting Chair at that meeting and at the January 16, 2013 meeting. Kim requested that Westley act as Chair during this portion of the meeting this evening.

Vice Chair WB shared with the Board and the public a brief history of the submission, review and discussions regarding this Preliminary Subdivision Plan Application for TBD Essex Park Drive which was first reviewed by the Board during the regularly scheduled meeting of the Planning Board on January 2, 2013 and reviewed at the January 16, 2013 meeting.

Westley also suggested to the public attending the meeting this evening that if they have concerns, comments or questions regarding the proposed subdivision they should submit them in writing so they would be on the record if a Definitive Subdivision Plan Application is submitted by the Applicants and/or attend the Public Hearings.

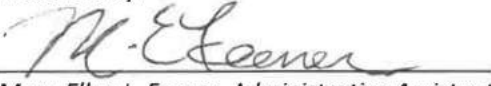
Westley explained to the public about the fact the meeting this evening would be for the Board to discuss the Preliminary Subdivision Plan Application Decision and comments from the public would not be entertained by the Board.

The Board discussed the plan, drafted a decision, voted as a Board on the decision and the Board unanimously approved the decision.

A motion to adjourn was made at 9:30 p.m.

The motion was seconded and approved unanimously. The next Meeting is scheduled for February 19, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:



Mary-ellen L. Feener, Administrative Assistant

Attested to:



Bill French, Planning Board Clerk

Draft Agenda – January 16, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. **Building Inspector's Report** or *Informal Discussion: Attorney John Guerin representing Sequoia Realty Trust regarding 5 Martin Street or Regular Business*
- 7:50 p.m. **Informal Discussion: Attorney John Guerin representing Sequoia Realty Trust- Regarding 5 Martin Street** or *Preliminary Plan Application: TBD Essex Park Drive or Regular Business*
- 8:05 p.m. **Preliminary Plan Application: TBD Essex Park Drive** or *Regular Business*

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Updates from the Chair
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Board Discussion - Town Meeting 2013
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on February 6, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board January 16, 2013

The Meeting was called to order at 7:38 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Bill French (BF), Jason Heath (JH), Simone Early (SE), Kim Drake (KD), Dexter Doane (DD) -
Absentee: Corey Jackson -Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board. He was in attendance due to the next agenda item.

Informal Discussion: John Guerin representing Sequoia Realty Trust - 5 Martin Street

Attorney John Guerin was in attendance.

The Building Inspector discussed with the Board the process of the building permit application and amending of the Site Plan Review Decision dated December 5, 2008.

BS: The applicant is changing the two one bedroom apartments to two, two bedroom apartments.

The Board and the Building Inspector further discussed the plan and the original Site Plan Review Decision.

WB: I move we amend the existing Site Plan Review Decision so that the information in the sixth paragraph, located on the second page of the December 2008 decision, will read 'two, two bedroom dwellings' and also on page 2 of the December 2008 decision, section C below will now read 'six parking spaces and one handicap parking spaces to the east and the north of the dwelling' and on page three of the December 2008 decision regarding the sewer flow it will now state, 'The proposed mixed use of residential and office/retail space will result in Title 5 flow rates which are approved by and conform to the current requirements of the Town of Essex Department of Public Work' and 'the parking spaces and handicap parking spot to be accordance with plan submitted by the applicant.' The Engineer of said plan being Richard W. Griffin and it is dated December 31, 2012.

The motion was approved by a majority of Board Members.

Bill French recused from discussion and voting due to the fact his property abuts 5 Martin Street.

The motion was approved by a majority of Board Members.

Regular Business

- The Meeting Minutes of January 2, 2013 were reviewed and approved unanimously.
- Payroll
- Board Discussion – Centennial Grove Committee update was provided by volunteer committee member, Jason Heath. The Committee has not met recently.
- Board Discussion - Community Preservation Committee update provided by volunteer committee member, Kimberly Drake. The Committee has not met recently.
- Board Discussion - Building Committee update provided by volunteer committee member, Westley Burnham. The Committee has not met recently.
- Board Discussion – Conomo Point Planning Committee update provided by volunteer committee member, Kimberly Drake. The Committee will be meeting tomorrow evening.

Preliminary Subdivision Plan Application: TBD Essex Park Drive

John Morin (JM), Neve-Morin Group; Engineer was present as the representative of the Apple Street Nominee Trust. There were other citizens in attendance as well for this portion of the meeting.

Due to the fact that Chair Kim Drake was absent from the meeting held on January 2, 2013 and Westley Burnham was the Acting Chair for that meeting and during the meeting the Preliminary Subdivision Plan Application of TBD Essex Park Drive was first discussed, Kim requested that Westley act as Chair during this portion of the meeting this evening.

Vice Chair WB shared with the Board and the public a brief history of the submission, review and discussions regarding this Preliminary Subdivision Plan Application for TBD Essex Park Drive which was first reviewed by the Board during the regularly scheduled meeting of the Planning Board on January 2, 2013.

Wally Bruce, Chairman of the Conservation Commission and the Agent for the Conservation Commission, James Hankin, both representing the Town of Essex Conservation Committee were in attendance.

Wally Bruce stated that due to the fact that this is a Preliminary Plan Application the Commission did not have any specific comments to share at this time other than the concern about the 10 Acre Parcel which now belongs to the Town of Essex and the public access to the parcel. *(There is a 10 acre parcel of land located between Essex Park Drive and Turtleback Road which was given to the Town as conservation land for the public to use.)*

W Burnham replied that the Board did discuss the access to 10 Acre Parcel and the parking for the public at the last meeting.

James Hankin, Agent for the Conservation Commission said the Commission will be spending a lot of time on this project, there is a Notice of Intent and he knows John Morin of Neve-Morin and he is assured John Moring will do a thorough job.

James McKenna, 29 Turtleback Road, shared his concerns with the Board:

- One comment he shared was regarding the fee interest in the road and the fact the Applicants do not have the right to propose the access through Turtleback Road.
- He said that the owner of the road has not maintained the road and that the owners 'have had to be responsible for the road'.
- He also suggested that the Board demand the owners repair the road and that the road becomes a public road that the Town maintains.

Agatha Zawadzka, 16 Turtleback Road, asked why if three years ago why this plan is being reviewed again. Kim explained the application with the through road was withdrawn by the applicant.

Andriana Paranos, 10 Turtleback Road, said that she has been living on Turtleback Road for nine years and she is concerned for the safety for her kids on a through road cul-de-sac

Betsy Vicksell, 2 Turtleback Road, suggested the owners donate the land to a non-profit agency.

Josh Franklin, 11 Turtleback Road, asked about the process for the application.

WB shared a brief synopsis of the Preliminary Subdivision Plan Application timeline; he discussed the submission of an application and the time the Planning Board has to review, discuss and listen to comments both from the public and other Town Committees and Boards. He concluded the discussion by explaining when a Board must submit their recommendations to the Town Clerk and the Applicant(s).

For personal reasons, Planning Board Member, Jason Heath, excused himself from the meeting and left the building.

Bestsy Vicksell, 2 Turtleback Road asked if the reason for a through road was for safety reasons.

WB said that four members of the Board are Volunteer Firemen and that for personal reasons they like to see through roads due to safety concerns; for example if a tree fell in the middle of the road then access during a possible emergency situation is diverted.

KD explained that a through road would enhance public safety and could be an alternate means of egress for those uncomfortable traveling from Turtleback Road onto Apple Street.

Agatha Zawadzka, asked if the owners could put up a sign with the wording: 'Private Way – Residents Only'.

WB said he thought it could be done since it had been done on other streets and suggested prior to the installation of such a sign they contact the Building Inspector.

Jay Goldman, 15 Turtleback Road, asked if there was room to build a road where the gas line is located and is the easement on the onceptual plan adequate enough for traffic.

WB said the plan does show a forty foot (44) wide road being proposed and that is what the Subdivision Rules and Regulations require.

WB asked if there were any more comments from the public. There were no comments.

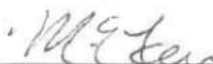
WB asked if there were any comments from the Board; there were not any specific questions or comments from the Board Members.

A majority of the public in attendance left the meeting while the Board discussed the Preliminary Plan Submittal Process in Subdivision Rules and Regulations and reviewed the plans submitted with the TBD Essex Park Drive Preliminary Plan Application.

A motion to adjourn was made at 9:30 p.m.

The motion was seconded and approved unanimously. The next Meeting is scheduled for February 6, 2013 at the T.O.H.P. Burnham Library commencing at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Administrative Assistant

Attested to:



Bill French, Planning Board Clerk



ESSEX PLANNING BOARD

Town Hall 30 Martin Street Essex, Massachusetts 01929 - 1219

February 6, 2013

Sequoia Realty Trust
14 Winthrop Street
Marlborough, MA 01752

Re: 5 Martin Street, (Map 37, Lot 6)

The Town of Essex Planning Board at the regularly scheduled meeting held on Wednesday, January 16, 2013 at the T.O.H.P. Burnham Library Approved to Amend the Site Plan Review Decision which was originally approved on November 19, 2008 for the property located at 5 Martin Street, Essex, MA.

At the January 16, 2013 Meeting the following Motion was made by Board Member, Westley Burnham and approved by a majority of Board Members:

WB: " I move we amend the existing Site Plan Review Decision so that the information in the sixth paragraph, located on the second page of the December 2008 decision, will read 'two, two bedroom dwellings' and also on page 2 of the December 2008 decision, section C below will now read 'six parking spaces and one handicap parking spaces to the east and the north of the dwelling' and on page three of the December 2008 decision regarding the sewer flow it will now state, 'The proposed mixed use of residential and office/retail space will result in Title 5 flow rates which are approved by and conform to the current requirements of the Town of Essex Department of Public Work' and 'the parking spaces and handicap parking spot to be accordance with plan submitted by the applicant.' The Engineer of said plan being Richard W. Griffin and it is dated December 31, 2012."

The motion was approved by a majority of Board Members. Bill French recused from discussion and voting due to the fact his property abuts 5 Martin Street.

At the January 16, 2013 Meeting the Planning Board agreed to the following changes on the original 2008 Decision:

Page 2 - First line: Should now read the Second Floor and above will be (2) 2 bedroom dwellings

Page 2 - Section c: "The Applicant has agreed to return to the Planning Board should he wish to pave or

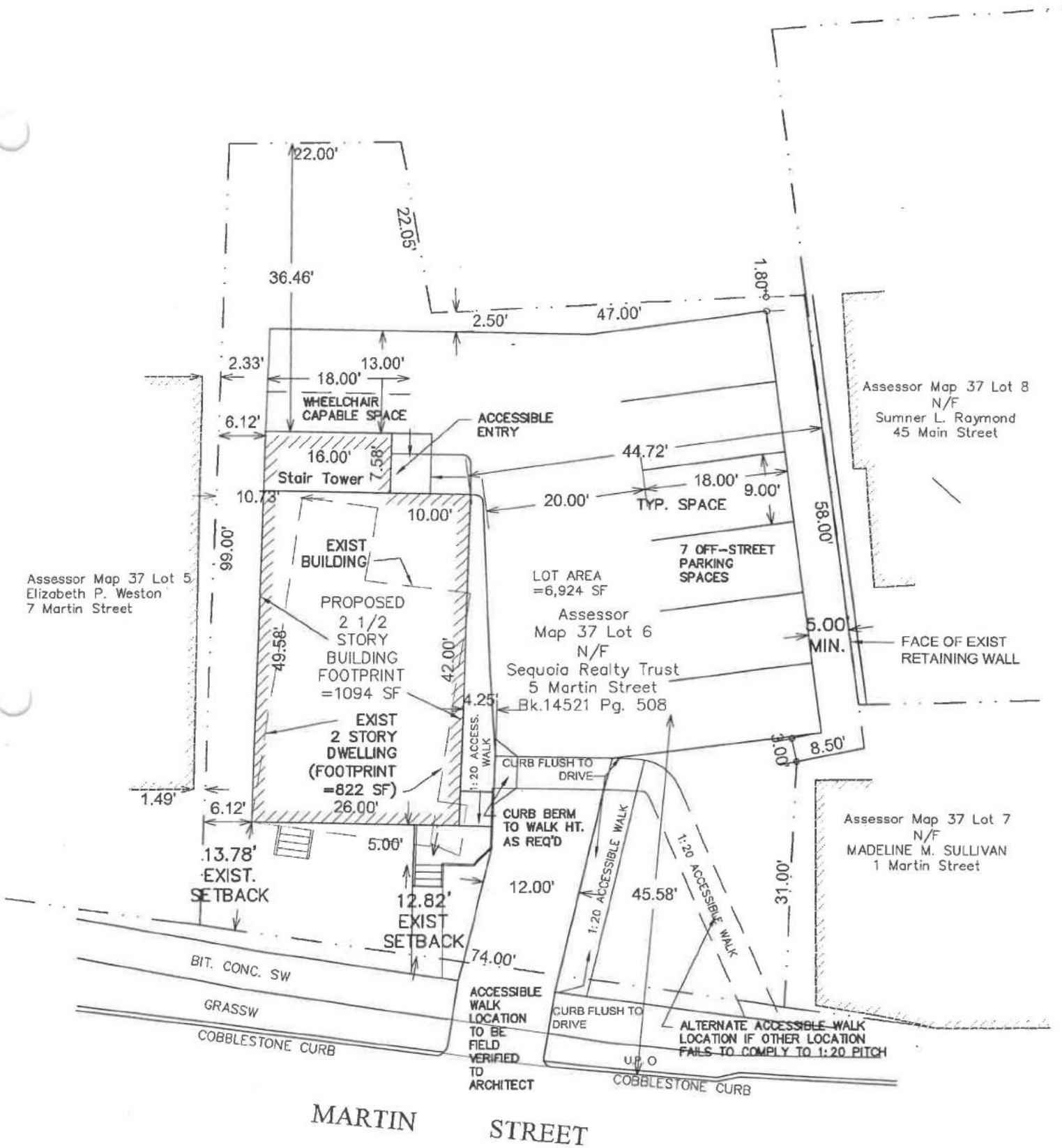
make impervious the 5 parking spaces planned to the East of the site." The Decision was that the Amended Site Plan Review shall now read, "The Applicant has agreed to return to the Planning Board should he wish to pave or make impervious the 6 parking spaces planned to the East of the site."

Page 3 - Section h - Second Paragraph: "The Applicant has stated that the proposed mixed use of residential and office/retail space will result in Title 5 flow rates which are approved by and conform to the current requirements of the Town of Essex Department of Public Work'

A copy of the original Decision is on file with the Planning Board and attached to this Decision to Amend.

A handwritten signature in cursive script, appearing to read 'Kimberly Drake', is written in black ink.

*Kimberly Drake, Chair
Essex Planning Board*



DRAWING NO. SD1C	NEW BUILDING 5 MARTIN STREET ESSEX, MA 01929	PARKING PLAN 'C' PROJECT NUMBER: 12-46 DATE: 12-31-2012 SCALE: 1/16"=1'-0"	RICHARD W. GRIFFIN REGISTERED ARCHITECT 37 TURNER STREET SALEM, MA 01970 TEL: 978-740-9979 FAX: 978-740-2352 © ALL RIGHTS RESERVED
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ESSEX PLANNING BOARD

Town Hall 30 Martin Street Essex, Massachusetts 01929 - 1219

December 5, 2008

Sequoia Realty Trust
Christopher M. Flood, Trustee
C/o P.O. Box 469
Essex, MA 01929

Re: Premises at 5 Martin Street, (Map 37, Lot 6)

Dear Mr. Flood,

The Town of Essex Planning Board at the regularly scheduled meeting Wednesday, November 19, 2008 conducted a Site Plan Review of the proposed demolition and new construction at the property located at 5 Martin Street, Essex, MA.

Currently the premises consist of a non-conforming lot with parking, and a non-conforming structure that has been used as a dwelling.

The Board understands that the applicant wishes to demolish the existing building and replace it with a new building designed for mixed-use (residential, office/retail, storage) on substantially the same footprint, with a building height not to exceed that permitted by the Town By-Laws (35' or 2.5 stories).

Under Section 6-4.2 of the Essex Zoning By-Laws, the Planning Board finds that the demolition of the current structurally unsuitable building and the cleanup of the site and construction of the proposed mixed use building will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

The Board also finds that the character of the area will be improved with the elimination of the current structure and that the residential and office/retail uses will be consistent with the character of the neighborhood as indicated by building elevations presented to the Board.

The Board approves the proposed uses for the new building as follows:

Second Floor and above:	(2)1 bedroom dwellings
First Floor/Basement:	1,466 +/- s/f of office/retail.
Balance of Basement Space:	storage & mechanical.

Addressing the categories listed under "Site Plan Review" (6-6.12) the applicant has stated the following:

1. The building proposed to replace the one to be demolished is to be used for residential, office/retail and storage.

- a. Traffic: The applicant has provided anticipated traffic flow as follows:

Residential (0.5 TPH x 2 units)	1.0 TPH
Office/Retail (1.5 TPH/1000 s/f office space x 1.466)	<u>2.12 TPH</u>
Total	<4.0 TPH

A portion of the office/retail parking for the new building may be directed towards the new Town parking lot. Parking for the residences must be on the 5 Martin Street property.

- b. Parking: Parking is available both onsite and offsite on the street and at the Town parking lot across the street. With residential and office/retail use at this site, the Applicant intends that there will be only minimal off-street loading and unloading of vehicles incidental to the use of the building once the building is occupied. The building will have wheelchair access as required by code.

Any trash barrels will be placed for each floor at the rear of the building, but no other trash receptacles are planned for outside of the building; trash disposal will be done privately, either at the transfer station or through a private contractor.

- c. Drainage Control: The area of impervious ground surface proposed for the project is approximately the same as presently on the site; the new development should not result in a significant increase in the rate of runoff or cause an incidence of flooding down gradient from the site. The Applicant has agreed to return to the Planning Board should he wish to pave or make impervious the 5 parking spaces planned to the East of the site. The remaining area may be paved without further action.
- d. Existing Vegetation: Current vegetation on the site includes weeds and a small lawn to the East of the existing driveway and parking. Landscaping is proposed to include flower gardens and lawn not unlike the garden to the East of the U.S. Post Office, across the street from the site.
- e. Amenities: The new development will not provide public amenities.
- f. Town Character: The proposed development's architecture and landscaping are designed to integrate with the character of neighboring business and residential buildings. The existing building and lot are presently nonconforming. The proposed



5

C

Second Floor and above:	(2)1 bedroom dwellings
First Floor/Basement:	1,466 +/- s/f of office/retail.
Balance of Basement Space:	storage & mechanical.

Addressing the categories listed under "Site Plan Review" (6-6.12) the applicant has stated the following:

1. The building proposed to replace the one to be demolished is to be used for residential, office/retail and storage.

- a. Traffic: The applicant has provided anticipated traffic flow as follows:

Residential (0.5 TPH x 2 units)	1.0 TPH
Office/Retail (1.5 TPH/1000 s/f office space x 1,466	<u>2.12 TPH</u>
Total	<4.0 TPH

A portion of the office/retail parking for the new building may be directed towards the new Town parking lot. Parking for the residences must be on the 5 Martin Street property.

- b. Parking: Parking is available both onsite and offsite on the street and at the Town parking lot across the street. With residential and office/retail use at this site, the Applicant intends that there will be only minimal off-street loading and unloading of vehicles incidental to the use of the building once the building is occupied. The building will have wheelchair access as required by code.

Any trash barrels will be placed for each floor at the rear of the building, but no other trash receptacles are planned for outside of the building; trash disposal will be done privately, either at the transfer station or through a private contractor.

- c. Drainage Control: The area of impervious ground surface proposed for the project is approximately the same as presently on the site; the new development should not result in a significant increase in the rate of runoff or cause an incidence of flooding down gradient from the site. The Applicant has agreed to return to the Planning Board should he wish to pave or make impervious the 5 parking spaces planned to the East of the site. The remaining area may be paved without further action.
- d. Existing Vegetation: Current vegetation on the site includes weeds and a small lawn to the East of the existing driveway and parking. Landscaping is proposed to include flower gardens and lawn not unlike the garden to the East of the U.S. Post Office, across the street from the site.
- e. Amenities: The new development will not provide public amenities.
- f. Town Character: The proposed development's architecture and landscaping are designed to integrate with the character of neighboring business and residential buildings. The existing building and lot are presently nonconforming. The proposed

building has been re-orientated parallel to the Westerly abutter's structure and has been slightly extended Easterly and Northerly; the current non-conformity will not be increased by the proposed building.

- g. Screening: No screening is proposed for any of the areas of construction. Any outdoor lighting to be installed must be ground or building mounted lighting with downcast and/or shielded illumination, unless otherwise required by law.
- h. Hazardous Material: No storage or disposal of hazardous materials as defined by the DEP is planned for the site except for normal household/office equipment, fluids, materials and cleaning solutions.

The Applicant has stated that the proposed mixed use of residential and office/retail space will result in Title 5 flow rates of no more than 330 gallons per day (GPD) (the maximum allowed per betterment unit per lot), without first obtaining a waiver for greater flow. The Betterment payment for this property is and has been 1.5 times the residential rate which allows for the requested uses.

The Board is satisfied with the Site Plan Review and with the conditions stated herein and described above. A summary of the conditions for approval:

1. The Applicant is to formally notify the Planning Board of any intent to pave any areas beyond the drive and one accessible parking space (see attached plan).
2. The Applicant is to provide marked dedicated parking for the two residential units in the development. Commercial parking may be accommodated on the street or in the Town lot behind the fire station.
3. Any site lighting is to be by "cutoff" type fixture, providing downcast illumination that does not spill on abutting properties.



Kimberly Drake, Chair
Essex Planning Board

cc: William Sanborn, Essex Building Inspector
John T. Guerin, Esq.

Draft Agenda – January 2, 2013 – Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. **Building Inspector's Report** or *Informal Discussion: Attorney John Guerin representing Sequoia Realty Trust regarding 5 Martin Street or Regular Business*
- 8:00 p.m. **Informal Discussion: Attorney John Guerin representing Sequoia Realty Trust regarding 5 Martin Street** or *Regular Business or ANR Application: 93 John Wise Avenue*
- 8:10 p.m. **ANR Application: 93 John Wise Avenue, George Stavros** or *Regular Business*
- 8:25 p.m. **Regular Business** or *Preliminary Plan Application: TBD Essex Park Drive*
- 8:35 p.m. **Preliminary Plan Application: TBD Essex Park Drive**

Regular Business

- ✿ Correspondence
- ✿ Payroll & Invoices
- ✿ Meeting Minutes
- ✿ Updates from the Chair
- ✿ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✿ Board Discussion – Centennial Grove Committee
- ✿ Board Discussion - Community Preservation Committee
- ✿ Board Discussion - Building Committee Update
- ✿ Board Discussion – Conomo Point Committee Update
- ✿ Board Discussion – Potential upcoming projects for the Planning Board
- ✿ Board Discussion - Town Meeting 2013
- ✿ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✿ Board Discussion – New Business
- ✿ Board Discussion – Old Business

Meeting to Adjourn

Next regular Planning Board Meeting will be on January 16, 2013 at T.O.H.P. Burnham Library

Meeting Minutes -Town of Essex Planning Board January 2, 2013

The meeting was called to order at 7:32 p.m. by Vice Chair, Westley Burnham and was held at the T.O.H.P. Burnham Library.

Attendees: Westley Burnham (WB), Bill French (BF), Jason Heath (JH), Corey Jackson (CJ) - Absentee: Kim Drake, Dexter Doane, Simone Early - Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board.

Regular Business

- The Meeting Minutes of December 19, 2012 were reviewed and approved unanimously.
- Payroll

Informal Discussion: John Guerin representing Sequoia Realty Trust - 5 Martin Street

Attorney John Guerin brought a new plan which showed the handicap parking spot previously requested by the Planning Board. The plan also had six proposed parking spaces.

The proposed changes to the building would be to add two more bedrooms: one to the second floor and one to the third floor. Per John Guerin the intent of the Trust is to make the first floor unit into an office/commercial unit.

John Guerin did ask the Planning Board to amend the Building Permit Application. Jason Heath asked the Board if John Guerin shouldn't go back to the Building Inspector first and he further stated that the 'this proposed process seems backwards to me'.

Bill French agreed and said that he is more familiar with Bill Sanborn bringing a building permit application to the Board, even if for an extension vs. the owner/applicant asking the Planning Board for such an extension.

Westley stated the Board should review the Site Plan Review decision which was written by Attorney Guerin, reviewed by the Planning Board, and signed the Planning Board Chair, Kim Drake on December 5, 2008.

Westley suggested the Board take a vote to see if the Board would agree that the owner should meet with the Building Inspector and request feedback from him. Then once the Board has discussed the subject with the Building Inspector the Board may amend the Site Plan Review Decision.

CJ: I make motion that the Board requests input from Bill Sanborn regarding the change with the construction plans prior to voting on amending a Site Plan Review decision.

The motion was seconded and approved unanimously.

ANR Application: 93 John Wise Avenue, George Stavros

The Board reviewed the application and the plan. The Applicant is transferring a portion of his lot to the owner of the abutting lot. The Applicant paid the required application fee.

Westley Burnham shared with the public and stated for the record that he is a Trustee of the Burnham Croft Trust. The Trust has been giving access through the golf course owned by the Stavros family. The ANR Application before the Board this evening and the transfer of land will not produce any financial

Westley Burnham shared with the public and stated for the record that he is a Trustee of the Burnham Croft Trust. The Trust has been giving access through the golf course owned by the Stavros family. The ANR Application before the Board this evening and the transfer of land will not produce any financial gains for the Burnham Croft Trust nor will it have a negative impact for/on the Burnham Croft Trust. Westley decided and the Board agreed that the review of the ANR application and Plan would not be a conflict.

JH: I move to endorse the ANR Application, John Stavros, 93 John Wise Avenue, for a creation of parcel A-2, marked as 'not a legal building lot' and Parcel A-1 a 30,000 sq ft lot finding it meets the Town of Essex Bylaws.

The motion was seconded and approved unanimously.

Preliminary Plan Application: TBD Essex Park Drive

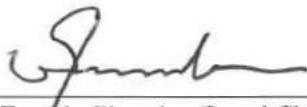
Attorney Daniel Bailey, III (DB), Rackemann, Sawyer & Brewster; Attorney representing the Apple Street Nominee Trust and John Morin (JM), Neve-Morin Group; Engineer representing the Apple Street Nominee Trust

DB and JM shared a brief history of the proposed subdivision and reviewed the proposed plan.

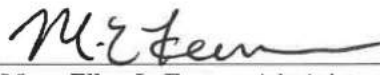
The Board reviewed the upcoming calendar and reviewed the upcoming Planning Board Meeting Dates. The Board asked the Representatives of the Applicants if they would agree to extend the date of when the Board will be required to submit their decision to the Town Clerk and the Applicant(s). Attorney Bailey agreed to write such a letter to extend the timeline to February 14, 2013.

A motion to adjourn was made at 9:30 p.m. The motion was seconded and approved unanimously. The next Meeting is scheduled for January 16, 2013 at the T.O.H.P. Burnham Library, 7:30 p.m.

Presented by:



Bill French, Planning Board Clerk



Mary-ellen L. Feener, Administrative Assistant

Agenda – December 17, 2014

The Public Meeting of the Town of Essex Planning Board is to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA and will commence at 7:30 p.m.

Building Inspector's Report

Board Review of the Meeting Minutes for December 3, 2014

Regular Business/Board Discussion – Correspondence

1. Letter from Katie Ryan regarding Robins Island Association
2. Email & invitation from Sam Cleaves, MAPC

Regular Business

1. Proposed FY2016 Budget
2. A copy of the Town of Essex Municipal Calendar for the Board Members
3. Notices from abutting cities/towns
4. A question from the PB A.A. about the Public Hearing Preamble
5. Updated Planning Board Meeting Schedule for the Board Members
6. Information about CPTC Group Trainings and the CPTC
7. Information about the APA

Board Discussion - Committee Updates from the Board Members who volunteer to serve on the Boards or Committees

1. Centennial Grove Committee –Jason Heath
2. Community Preservation Committee –Kim Drake
3. Building Committee Update – Westley Burnham
4. Conomo Point Committee Update - Kim Drake
5. Long Term Planning Committee Update – Skip Crocker

Board Discussion - Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

Board Discussion - State Fire Code: Updates to Fire Lane Widths and the Rules and Regulations Relative to Subdivision Control

Regular Business - Updates from the Chair

Regular Business – Payroll

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 listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

The next Meeting of the Town of Essex Planning Board will be held on January 7, 2015, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Meeting Minutes – December 17, 2014

The Meeting was called to order at 7:34 PM by Chair Kim Drake. The Meeting was held at the T.O.H.P. Burnham Library.

Board Members Present:

Kimberly Drake (KD), William French (WF), Jason Heath (JH), S. Sturgis Crocker (SC), Dexter Doane (DD), Corey Jackson (CJ)

Board Members Absent:

Westley Burnham

Building Inspector: Bill Sanborn – Administrative Assistant: Mary-Ellen L. Feener

Building Inspector's Report

54 Lufkin Street

Board Member Kim Drake currently is a tenant residing at this property and Board Member Dexter Doane is the contractor hired by the owner to do the construction so they recused themselves from voting on the application.

Board Member Cory Jackson was the Acting Chair for the review and voting on this Building Permit Application.

The Building Permit presented to the Board by the Building Inspector was for the property located at 54 Lufkin Street, Assessor's Map 15, Lot 17. The owner is Andrew Spinney. The permit was to construct a 666 square foot, 22 foot high, accessory building/barn. The Application had the approval of the Board of Health.

JH: I make a motion that we approve the citing of an accessory building for the property located at 54 Lufkin Street, owned by Andrew Spinney, finding it meets the requirements of the Town of Essex Bylaws and it has the necessary approvals.

SC seconded the motion.

The motion was approved; 4:0 – 2 recused themselves from voting.

Kim Drake was reinstated as the Chair for the rest of the meeting.

Regular Business/Board Discussion – Correspondence

- Letter from Katie Ryan regarding Robins Island Association

There was not a lot of discussion amongst the Board Members regarding this letter about Robins Island. Currently, there are no applications or plans for any property in this area before the Planning Board. The Board Members read the letter during the meeting and it will be filed in the Planning Board Office.

Regular Business – Municipal Calendar

A copy of the Town of Essex Municipal Calendar was given to the Board Members. The Board discussed upcoming deadlines and events.

Regular Business – The Preamble which is read prior to all Public Hearings

The Board reviewed the two different copies of a Preamble found in the Planning Board office. The Board Members unanimously agreed upon one copy. It was decided that the Administrative Assistant will make sure that the Preamble will be on file and that copies will be distributed to Board Members at a future meeting.

Updates from the Chair

On December 17th The Chair was sent an email from Town Administrator, Brendhan Zubricki.

The email was also sent to Matt Coogan, Andrew St. John, Michael Dyer, Julie Scofield and the members of the Board of Selectmen.

The email from B. Zubricki:

“Hello: Our Town Planner, Matt Coogan, has proposed that a MAPC grant might be used to help the Town focus on the development of certain types of zoning districts. Matt says: MAPC would be able to provide us the technical assistance to help move towards creating zoning districts for the Town - which could include a scenic/ residential/ agricultural overlay, as well as a village overlay as well. They could gather data and do a current assessment of lot sizes and uses town wide, and having all the data in front of us would help with creating zoning districts that address the needs and goals of the Town. Please join the Board of Selectmen and Matt on January 12, 2015 at 7:30 p.m. in the Library to be involved in a preliminary discussion of this potential proposal.”

The Board discussed the email.

- The Board Members agreed that having MAPC (Metropolitan Area Planning Commission) assist with drafting a bylaw(s) would be beneficial.

- The Board Members unanimously agreed that the Board would advocate for and support a Warrant Article for a Village Overlay District. The Planning Board Members have discussed creating such an overlay district for many years.
- The Board Members agreed that creating a Scenic/Residential/Agricultural Overlay District was not something that the Planning Board would support at this time. Such a zoning district has been unsuccessfully attempted in the past for the land/properties located on and around John Wise Avenue. The Planning Board discussed how the Long Term Planning Committee has since been advocating for a Scenic Overlay District for the same area for the past few years.
- The Board Members agreed that due to numerous reasons they would not support an attempt to create zoning districts for the entire town.

- There was a lot of discussion amongst the Board Members about the Town Planner:
 - The Board discussed the fact that the Town Planner does not directly interact with the Planning Board but with the Board of Selectmen.
 - The Planning Board Members have historically advocated for the Town to hire a Planner. However, the Planning Board was not consulted nor had any input as to a job description for the most recent hiring of a Town Planner.
 - Since the Town Planner was hired, the Planning Board has had very limited to almost no input about what projects the Town Planner would be working on since that decision has been entirely dictated by the Board of Selectmen.

Board Discussion - Committee Updates from the Board Members who volunteer to serve on the Boards or Committees

The Board Members reviewed the list of boards and committees on which Planning Board Members volunteer their time. There was no new information shared primarily due to the winter/holiday season.

1. Centennial Grove Committee –Jason Heath
2. Community Preservation Committee –Kim Drake
3. Building Committee Update – Westley Burnham
4. Conomo Point Committee Update - Kim Drake
5. Long Term Planning Committee Update – Skip Crocker

Board Discussion - Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

There were no new discussions at the meeting this evening regarding potential warrant articles.

Board Discussion - State Fire Code: Updates to Fire Lane Widths and the Rules and Regulations Relative to Subdivision Control

There was some Board discussion about the new Fire Codes and how they could affect the Rules and Regulations Relative to Subdivision Control. It was decided that one of the Board Members who also serves as a local Fireman would obtain the new Fire Codes as soon as the document(s) are available.

Regular Business – Planning Board Office Budget for the 2016 Fiscal Year

The Board reviewed the draft budget. The Board Members agreed that a new budget line item for Board Members or staff to attend seminars/ trainings was a good idea. The Board Members agreed that they did not want to join the American Planning Association. All other line items would remain the same as the previous year.

SC: I make a motion we approve the 2016 budget for the Planning Board.

DD seconded the motion.

The motion was approved by the Board Members present; 6:0.

DD: I make a motion we adjourn the meeting.

CJ seconded the motion.

The motion was approved by the Board Members present; 5:0.

The meeting was adjourned at 9:00 PM

The next Meeting is scheduled for January 7, 2014.

The Meeting will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Meeting Minutes – December 3, 2014

The Meeting was called to order at 7:34 PM by Chair Kim Drake. The Meeting was held at the T.O.H.P. Burnham Library.

Board Members Present:

Kimberly Drake (KD), William French (WF), Jason Heath (JH), S. Sturgis Crocker (SC), Dexter Doane (DD)S. Sturgis Crocker (SC)

Board Members Absent:

Corey Jackson, Westley Burnham

Building Inspector: Bill Sanborn – Administrative Assistant: Mary-Ellen L. Feener

Building Inspector's Report

54 Lufkin Street

The Building Inspector did have a Building Permit Application for the Planning Board to review.

The Building Permit was for the property located at 54 Lufkin Street, Map 15, Lot 17. The owner is Andrew Spinney.

Board Member Kim Drake currently is a tenant at the property and Board Member Dexter Doane is the contractor hired by the owner to do the construction.

The Board decided to wait until the next regularly scheduled Planning Board Meeting to review the Building Permit Application so there could be a quorum.

36 Story Street

Recently the Assistant Building Inspector had been contacted by one of the owners of 36 Story Street (Jennifer Jantzen) regarding her concerns about the amount of traffic and parking occurring on the street which she stated was primarily caused by the abutting property located at 36 R Story Street owned by David and Michelle Kempskie.

Due to a conversation with the Planning Board Administrative Assistant earlier this evening, the Building Inspector knew that the owner had also recently contacted the Planning Board with her concerns in October 2014.

The Planning Board and the Building Inspector discussed the fact that the road was a private road and that in 2000 the Planning Board approved a Definitive Subdivision Plan for two lots; 36 and 36 R Story Street.

The Board was aware that there were documents which have been recorded with the Essex South Registry of Deeds regarding the maintenance of the shared road and that these agreements were agreements between the two parties.

In 2007 the Planning Board did endorse an ANR Plan for the owner of 36 R Story Street. The Kempskies are now the owners of 36 R Story Street and an abutting lot.

In October 2014 the Kempskies did receive the approval of the Planning Board for a Building Permit to construct a garage which will have two living units above on the second floor to be located on the lot abutting 36 R Story Street.

It was decided that the Administrative Assistant for the Planning Board would provide the Building Inspector's Office the response email sent to Ms. Jantzen in October 2014.

Site Plan Review – 41 John Wise Avenue – Map 18, Lot 5

Owners Nickolas A. Anagnostis & Marianne A. Bode, Co-Trustees of the Windomear Realty Trust

Jason Hammer, Caddis Construction LLC, representing the owners, presented the Application to the Board.

The Planning Board reviewed the Application and the Plan as well as the Site Plan Review Bylaw. It was noted that in May 2014, the Planning Board had endorsed an ANR application for this property.

JH: I move we approve the Site Plan for 41 John Wise Avenue, Assessor's Map 18, Lot 5 the, owners being Nickolas A. Anagnostis & Marianne A. Bode, Co-Trustees of The Windomear Realty Trust, due to the proposed construction of the dwelling will have a footprint which will exceed 2,500 square feet.

SC seconded the motion.

The motion was approved by the Board Members present; 5:0.

JH: I move we approve the siting of the dwelling to be built at 41 John Wise Avenue finding it meets the requirements of the Town of Essex Bylaws and that the Building Permit has the necessary approvals.

SC seconded the motion.

The motion was approved by the Board Members present; 5:0.

- **Regular Business/Board Discussion - Correspondence, Notices, Agendas & Reports**

The Board reviewed the email from Karin Gitto, the owner of the property located at 211 Western Avenue.

Ms. Gitto was present at the meeting.

A portion of the email is below in italic font and a copy of the full email may be found in the Planning Board office file for the property.

211 Western Avenue is located in the Water Resource Protection District.

Upon review of the email the Board shared a general overview with Ms. Gitto as to what potentially may or may not be done with the property under the requirements of the current Water Resource Protection District Bylaw.

The Board did explain to Ms. Gitto that the Board has recently discussed potentially making changes to the Water Resource Protection District Bylaw but no action has been taken at this time.

Ms. Gitto did share with the Board that she is a resident of the abutting Town of Hamilton and would not be able to vote at the Essex Town Meeting.

Excerpt from Email:

"My name is Karin Gitto, owner of 211 Western Ave. The property is a sf ranch with a "bam" on the rear of the property. In the September we submitted a request for a building permit to renovate the barn's second floor to allow my son to live on the property, thereby making it a two family. Bill Sanborn rejected the application because the lot consists of 45k sq ft and falls short of the required land needed for a two family status.

Bill suggested we petition for a special hearing. I then submitted an application fee for a special hearing on November 12th. I paid an application fee to Jillian, letters were sent to the abutters, it was posed it in the newspaper several consecutive weeks. On November 12th at the meeting, Ed Perkins , the chair , stated that the property was located in the water district area and that the land fell short of the required criteria for the property to be eligible for a multi family status . We withdrew our request without prejudice at the meeting."

Regular Business – Meeting Minutes of November 19, 2014

The Board reviewed the draft meeting minutes.

SC: I make a motion we accept the meeting minutes of November 19, 2014 as amended.

JH seconded the motion.

The motion was approved by the Board Members present; 5:0.

WF: I make a motion we adjourn the meeting.

DD seconded the motion.

The motion was approved by the Board Members present; 5:0.

The meeting was adjourned at 9:10 PM

The next Meeting is scheduled for December 17, 2014. The Meeting will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Agenda – December 3, 2014

The Public Meeting of the Town of Essex Planning Board is to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA and will commence at 7:30 p.m.

- **Building Inspector's Report**

Site Plan Review – 41 John Wise Avenue – Mahri Bode – Application is to build a new property which will have a footprint that would exceed 2,500 sq ft.

- **Regular Business/Board Discussion - Correspondence, Notices, Agendas& Reports**

- Email from Karin Gatto – 211 Western Ave

Board Discussion - Committee Updates from the Board Members who volunteer to serve on the Boards or Committees:

- Centennial Grove Committee –Jason Heath
- Community Preservation Committee –Kim Drake
- Building Committee Update – Westley Burnham
- Conomo Point Committee Update - Kim Drake
- Long Term Planning Committee Update – Skip Crocker

- **Board Discussion** - Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

- **Regular Business** - Updates from the Chair

- **Regular Business** – Payroll

- **Regular Business** – Meeting Minutes of November 19, 2014

- **Regular Business** – Meeting Schedule for 2015

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 listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

The next Meeting of the Town of Essex Planning Board will be held on December 17, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Agenda – November 19, 2014

The Public Meeting of the Town of Essex Planning Board is to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA and will commence at 7:30 p.m.

- **Building Inspector's Report**

Regular Business – Certain Board Members still need to complete the Open Meeting Law form, the Ethics Commission Summary form and/or the on-line MA Ethics Quiz. A list was provided by the Town Clerk as to which Board Member and which form they must complete.

- **Regular Business/Board Discussion - Correspondence, Notices, Agendas & Reports**

- Correspondence from the Attorney General regarding the proposed zoning bylaw from the Special Town Meeting of June 3, 2014
- Correspondence from the North Shore Alliance for Economic Development
- Correspondence from the Massachusetts Economic Development Council
- Correspondence from the Massachusetts Affordable Housing Alliance
- Conservation Commission Agenda for November 18, 2014
- Town of Ipswich ZBA Public Hearing Notices
- Review of any pertinent information for the Planning Board in the recent Town Administrator's Reports

Board Discussion - Committee Updates from the Board Members who volunteer to serve on the Boards or Committees:

- Centennial Grove Committee – Jason Heath
- Community Preservation Committee – Kim Drake
- Building Committee Update – Westley Burnham
- Conomo Point Committee Update - Kim Drake
- Long Term Planning Committee Update – Skip Crocker

- **Board Discussion** - Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

- **Regular Business** - Updates from the Chair

- **Regular Business** – Payroll

Regular Business – Staples Invoice

Regular Business – Site Plan Review Application Forms
Board to review a new Site Plan Review Application which will now include a specific, required size of the Site Plan to be submitted with the Application.

- **Regular Business** – Meeting Minutes of November 5, 2014

Regular Business – CPTC Handout – Planning with Community Support

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 listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

The next Meeting of the Town of Essex Planning Board will be held on December 3, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Meeting Minutes - November 19, 2014

The Meeting was called to order at 7:32 PM by Chair Kim Drake.
The Meeting was held at the T.O.H.P. Burnham Library.

Board Members Present:

Westley Burnham (WB) Kimberly Drake (KD), William French (WF), Corey Jackson (CJ),
S. Sturgis Crocker (SC)

Board Members Absent:

Jason Heath, Dexter Doane

Building Inspector: Bill Sanborn – Administrative Assistant: Mary-Ellen L. Feener

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

Regular Business – Meeting Minutes of November 5, 2014

The Board reviewed the draft meeting minutes.

WB: I make a motion we accept the meeting minutes of November 5, 2014.

SC: I second the motion.

The motion was approved by the Board Members present; 5:0.

Regular Business –Site Plan Review Application Forms

Upon the request of the Administrative Assistant the Board discussed and reviewed the current Site Plan Review Application.

The Board agreed that the application may state that for submitted plans the suggested size be 24 x 36 unless details require for a larger size plan.

Two other minor edits were discussed and agreed upon which were to change the number of applications and plans to be three (3) and to add a space between two of the sections.

WB: Motion to approve the revisions to the Site Plan Review Application.

SC: Seconded.

The motion was approved by the Board Members present; 5:0.

Regular Business – The Board discussed the fact that certain Board Members still need to complete the Open Meeting Law form, the Ethics Commission Summary form and/or the on-line MA Ethics Quiz. A list was provided by the Town Clerk as to which Board Member and which form they must complete.

Regular Business/Board Discussion - Correspondence, Notices, Agendas & Reports

The Board reviewed the following:

- Correspondence from the Attorney General regarding the proposed zoning bylaw from the Special Town Meeting of June 3, 2014
- Correspondence from the North Shore Alliance for Economic Development
- Correspondence from the Massachusetts Economic Development Council
- Correspondence from the Massachusetts Affordable Housing Alliance
- Conservation Commission Agenda for November 18, 2014
- Town of Ipswich ZBA Public Hearing Notices
- Review of any pertinent information for the Planning Board in the recent Town Administrator's Reports

Board Discussion - Committee Updates from the Board Members who volunteer to serve on the Boards or Committees:

- Centennial Grove Committee –JH did not provide an update due to the fact he was not present for the meeting this evening.
- Community Preservation Committee –KD provided an update about the committee as to what was and was not approved by a majority of voters at the recent Special Town Meeting.
- Building Committee Update – WB provided an update.
- Conomo Point Committee Update – KD provided an update.
- Long Term Planning Committee Update – SC explained that the committee has not recently met and though there have been some discussions about the committee disbanding there hasn't been any official word that this is the case.

Board Discussion - Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

The Board discussed the Water Resource Protection District Bylaw.

KD said that she had reviewed the DEP Regulations and the current Essex Bylaw and noted that there were not many differences between the two documents.

WB said one difference between the DEP Regulations and the Essex Bylaw which he would like to suggest the Board review and discuss is the requirement in the current Watershed Protection District Bylaw: "13. Residential development which renders impervious more than 15 percent of a building lot (including the portion of any new street abutting the lot) or which has a lot area of less than 40,000 square feet (excluding wetlands) for each dwelling unit;"

The Board Members agreed that during a future regularly scheduled meeting that as a group they should review the DEP Regulations with the Essex Bylaw.

There was also discussion amongst the Board Members about inviting a Representative from the DPW to a future Planning Board Meeting to discuss the district, the bylaw, the map and the DEP regulations.

Assistant Superintendent of the DPW did attend a Planning Board meeting on August 20, 2014 for a preliminary discussion regarding the Watershed Protection District.

Regular Business - Updates from the Chair – There were no updates.

Regular Business – Payroll was signed.

Regular Business – The Staples invoice was signed.

Regular Business – CPTC Handouts

A CPTC Handout (Citizen Planning Training Collaborative) from a recent workshop the Administrative Assistant attended titled Planning with Community Support was emailed to Board Members for review. Another CPTC handout regarding Special Permits and Variances was available at the meeting for Board Members to take and review on their own accord.

Board Discussion with a tenant of a property located on Robbins Island Road

There had been a gentleman in attendance for the entire meeting. Towards the end of the meeting he approached the Board and asked if he could address the Planning Board. The Board Members agreed and he approached the table and sat with the Board.

The citizen stated that his name was Dick Denton and he was a tenant of a property located on Robbins Island Road.

Mr. Denton explained that he wanted to share with the Board his beliefs of including marsh area within a proposed lot for subdivision. He said that he did not believe the marsh should be included when calculating a proposed lot and the lot size for a subdivision. .

The Board explained to Mr. Denton that marsh may be privately owned and included as lot area for a proposed lot. The Board thanked Mr. Denton for bringing forth his concerns.

WB: I make a motion we adjourn the meeting.
CJ seconded the motion.

The motion was approved by the Board Members present; 5:0.

The meeting was adjourned at 8:28 PM

The next Meeting is scheduled for December 3, 2014. The Meeting will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Agenda – November 5, 2014

The Public Meeting of the Town of Essex Planning Board is to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA and will commence at 7:30 p.m.

- **Building Inspector's Report**

- **Site Plan Review Application to Amend – 160 John Wise Avenue – S. Sturgis Crocker**

- **Board Discussion/Review**– Board to review and discuss the procedure they would like to follow for Public Hearings and to review and discuss the Mullins Rule.

- **Board Discussion/Review** – MA Ethic Commission's Disclosure Forms.

- **Board Discussion/Review** – Board to review and discuss the procedure they would like to follow for conducting Site Visits.

- **Regular Business** – Certain Board Members will need to complete the Open Meeting Law form, the Ethics Commission Summary form and/or the on-line MA Ethics Quiz. A list was provided by the Town Clerk as to which Board Member and which form they must complete.

- **Board Discussion** – The Warrant for the Special Town Meeting to be held on November 17, 2014

- **Regular Business/Board Discussion - Correspondence, Notices, Agendas & Reports**
 - Memo from the Board of Selectmen regarding FY16 Capital Planning & Contracts
 - Notice of Decision from the Board of Appeals for 230 Western Avenue
 - Public Hearing Notice from the Board of Appeals for 211 Western Avenue
 - Conservation Commission Agendas for 10/21/14 & 11/4/14
 - Review of any pertinent information for the Planning Board in the recent Town Administrator's Reports

- **Board Discussion** - Committee Updates from the Board Members who volunteer to serve on the Boards or Committees:
 - Centennial Grove Committee –Jason Heath
 - Community Preservation Committee –Kim Drake
 - Building Committee Update – Westley Burnham
 - Conomo Point Committee Update - Kim Drake
 - Long Term Planning Committee Update – Skip Crocker

- **Board Discussion** - Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

- **Regular Business** - Updates from the Chair

- **Regular Business** - Payroll

- **Regular Business** – Meeting Minutes of October 15, 2014

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 listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

The next Meeting of the Town of Essex Planning Board will be held on November 19, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board - November 5, 2014

The meeting called to order at 7:44 p.m. by Kim Drake, Chair, and the meeting was held at the T.O.H.P. Burnham Library

Board Members Present: Jason Heath (JH), Westley Burnham (WB), Kimberly Drake (KD), S. Sturgis Crocker (SC), William French (WF)

Absentees: Corey Jackson, Dexter Doane

Building Inspector – Bill Sanborn – Administrative Assistant: Mary-Ellen L. Feener

Building Inspector's Report

65R Pond Street – Robert Tyack – Map 5 Lot 20

The Building Permit Application was to construct a new single family home with an attached garage located on a 11.25 acre lot. The footprint would not exceed 2,500 square feet.

The Board reviewed the application and the plan.

WF: I make a motion that the Board approves the siting of the property located at 65R Pond Street owned by Robert Tyack finding that it meets the requirements of the Town of Essex Bylaw and has the necessary approvals.

The motion was seconded by SC.

The motion was approved 5:0 – by the Board Members present.

Site Plan Review Application to Amend – 160 John Wise Avenue – S. Sturgis Crocker

Skip Crocker recused himself as a Planning Board Member.

Skip Crocker did represent himself as the owner of the property; he did stay to answer any questions the Board Members may have had.

The Board reviewed the application and the plan.

WB: I make a motion we approve the Amended Site Plan Review for S. Sturgis Crocker, 160 John Wise Avenue. The original Site Plan was to construct a 70 x 70 accessory building and the amended plan shows a 45 x 60 accessory building which has also been moved slightly to the west.

JH: I second the motion.

The motion was approved 4:0 – by the Board Members present.

SC rejoined Board Discussions at 8 p.m.

Board Discussion/Review– Board to review and discuss any procedures they would like to follow for Public Hearings and to review and discuss the Mullins Rule.

The Board discussed using a microphone and a tape recorder for public hearings.

JH: I make a motion we approve to purchase a tape recorder and a microphone to be used for Public Hearings.

SC: I second the motion.

The motion was approved 5:0 – by the Board Members present.

The Board decided they did not want to use any method of having people sign-in during/for Public Hearings.

There was no Board Discussion about the Mullins Rule.

Board Discussion/Review – MA Ethic Commission’s Disclosure Forms.

There wasn’t any Board Discussion about the MA Ethic Commission’s Disclosure forms.

Board Discussion/Review – Board to review and discuss the procedure they would like to follow for conducting Site Visits.

The Board did discuss Site Visits. It was agreed upon by the Board Members present that due to the fact that the Board does not deliberate during Site Visits a Notice would not need to be posted.

Regular Business – Forms - Certain Board Members will need to complete the Open Meeting Law form, the Ethics Commission Summary form and/or the on-line MA Ethics Quiz. A list was provided by the Town Clerk as to which Board Member and which form they must complete.

KD, JH, WF, signed the required forms.

Board Discussion – The Warrant for the Special Town Meeting to be held on November 17, 2014

There was no discussion regarding the specific warrant. There was discussion regarding the fact the Selectman may propose two Town Meetings instead of one Town Meeting and one Special Town Meeting.

Regular Business/Board Discussion - Correspondence, Notices, Agendas & Reports

- Memo from the Board of Selectmen regarding FY16 Capital Planning & Contracts

- Notice of Decision from the Board of Appeals for 230 Western Avenue
- Public Hearing Notice from the Board of Appeals for 211 Western Avenue
- Conservation Commission Agendas for 10/21/14 & 11/4/14
- Review of any pertinent information for the Planning Board in the recent Town Administrator's Reports

There was no Board Discussion.

Board Discussion - Committee Updates from the Board Members who volunteer to serve on the Boards or Committees.

- **Board Discussion** - Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

The Board did discuss potential Warrant Articles.

There was discussion regarding the Watershed Protection District and possible updates to the Bylaw and the Map. It was decided that the Board when there was more time during a meeting would consider comparing the DEP Regulations with the current Bylaw.

Regular Business - Updates from the Chair

The Chair did not have any updates.

Regular Business – Payroll

Payroll was signed.

Regular Business – Meeting Minutes of October 15, 2014

The Board reviewed the Minutes of October 15, 2014.

JH: I move we approve the Meeting Minutes of October 15, 2014.

SC: seconded the motion.

The motion was approved 5:0 – by the Board Members present.

Meeting Adjourned – The next meeting of the Planning Board will be held on November 19, 2014.

Agenda – October 15, 2014

The Public Meeting of the Town of Essex Planning Board is to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA and will commence at 7:30 p.m.

Site Plan Review Application: 230 Western Avenue – Gateway Trust II – Assessors Map 8 Lot 10E *or a Regular Business item or next agenda item*

Building Inspector's Report: *or a Regular Business item or next agenda item*

Informal Discussion: An opportunity for the recently hired Town Planner, Matthew Coogan, to meet the Planning Board Members present at the Meeting for the first time during a Planning Board Meeting. *or a Regular Business item*

Regular Business – Committee Updates from the Board Members who volunteer to serve on the Boards or Committees:

- Board Discussion – Centennial Grove Committee – Jason Heath
- Board Discussion - Community Preservation Committee – Kim Drake
- Board Discussion - Building Committee Update – Westley Burnham
- Board Discussion – Conomo Point Committee Update - Kim Drake
- Board Discussion – Long Term Planning Committee Update – Skip Crocker

Regular Business: Potential upcoming projects and/ or warrant articles the Board may consider proposing for Town Meeting 2015

Regular Business: Updates from the Chair

Regular Business: Correspondence

There was no new correspondence sent to the Planning Board Office since the last meeting.

Regular Business: Vouchers

Cricket Press for Planning Board stationary and envelopes.

Regular Business: Payroll

There are timesheets to sign.

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

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on November 5, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board – October, 2014

The meeting called to order at 7:38 p.m. by Kim Drake, Chair, and the meeting was held at the T.O.H.P. Burnham Library.

Board Members Present:

Dexter Doane (DD), Westley Burnham (WB), Kimberly Drake (KD), S. Sturgis Crocker (SC)

Absentees

Jason Heath, Corey Jackson, William French

Building Inspector – Bill Sanborn – Administrative Assistant: Mary-Ellen L. Feener

Building Inspector’s Report

20 Story Street – Informal Discussion – David Savoy

The owner of the property asked the Board if a garage currently located on the lot could be used as a structure for a home occupation. The Board asked the owner questions, reviewed the bylaw and then stated that they believed using the garage for a photography studio would be acceptable under the current zoning bylaws.

36R 2 Story Street – Map 35 Lot 30C – David and Michelle Kempskie

The Building Permit application presented to the Board was for the construction of a 28 x 28 garage with two, one bedroom apartments above the garage. The Permit had the approval the Conservation Commission, the Board of Health and the Fire Dept/911. There was a sign-off from the Waste Water Dept stating that there was no sewer available for the property.

The Board reviewed the application and the plan.

SC: I make a motion we approve the siting of a 28 x 28 garage with two, one bedroom apartments above the garage finding it has the necessary approvals and meets the requirements of the Town of Essex Bylaws.

DD seconded the motion.

The motion was approved 4:0 – by the Board Members present.

Site Plan Review - 230 Western Avenue – Map 8 Lot 10E – Gateway II Trust

The Board reviewed the application and the plan. It was determined that the application was erroneously submitted due to the fact a Site Plan Review for what was being proposed was not required under the current Site Plan Review Bylaw. “The proposed project includes the removal of the existing structures on the property with the construction of a new 2 unit dwelling”.

WB: I make a motion that the Site Plan Review Application for 230 Western Avenue does not require a Site Plan Review and that the Planning Board is not required to take any action on the application.

SC seconded the motion.

The motion was approved 4:0 – by the Board Members present.

Informal Discussion with Matthew Coogan, Town of Essex Planner

This time was an opportunity for the recently hired Town Planner, Matthew Coogan, to meet the Planning Board Members present at the Meeting for the first time during a Planning Board Meeting. The Board and Matt discussed numerous topics regarding the Town of Essex and the Planning Board and goals of the Planning Board for future projects.

Meeting Minutes

The Board reviewed the October 1, 2014 Meeting Minutes.

DD: I make a motion we approve the September 17th Meeting Minutes.
WB seconded the motion.

The motion was approved 4:0 – by the Board Members present.

Payroll

Volunteer Committee Updates by Board Members

- Centennial Grove Committee update was not presented by Board Member Jason Heath
- Community Preservation Update was presented by Board Member Kim Drake
- Conomo Point Committee Update was presented by Board Member Kim Drake
- Long Term Planning Committee was presented by Skip Crocker
- Building Committee Update was presented by Board Member Westley Burnham

WB: I make a motion we adjourn the meeting.
DD seconded the motion.

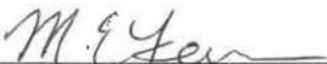
The motion was approved 4:0 – by the Board Members present.

The meeting was adjourned at 8:37 p.m.

The next Meeting is scheduled for November 5, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


Gorey Jackson, Vice Clerk
William French

Public Meeting - Town of Essex Planning Board – October 1, 2014

The meeting called to order at 7:38 p.m. by Kim Drake, Chair, and the meeting was held at the T.O.H.P. Burnham Library.

Board Members Present:

Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD), Jason Heath (JH), Dexter Doane (DD) –

Absentees

Skip Crocker, William French,

Building Inspector – Bill Sanborn – Administrative Assistant: Mary-Ellen L. Feener

Building Inspector's Report

1 Southern Heights – Assessors Map 38 Lot 92

The Building Inspector did not attend the meeting. The permit was brought to the meeting by the Administrative Assistant. One of the owners, Fred L. Deschenes was present.

The Board reviewed the application.

JH: I make a motion we approve the siting for a new 28 x 36, one story, detached garage, for the property located at 1 Southern Heights owned by Fred Deschenes finding it meets the requirements of the Town of Essex Bylaws and that the application has the necessary approvals. The garage will not have water or sewer. It will have electricity. The application was approved by the DPW, the Conservation Commission and the Fire Department/911.

WB seconded the motion.

The motion was approved 5:0 – by the Board Members present.

Meeting Minutes

The Board reviewed the September 17, 2014 Meeting Minutes.

DD: I make a motion we approve the September 17th Meeting Minutes.

JH seconded the motion.

The motion was approved 5:0 – by the Board Members present.

Payroll

Volunteer Committee Updates by Board Members

- Centennial Grove Committee update was presented by Board Member Jason Heath
- Community Preservation Update was presented by Board Member Kim Drake
- Conomo Point Committee Update was presented by Board Member Kim Drake


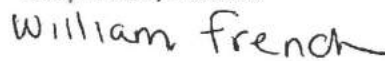
- An email sent to the Planning Board office by Skip Crocker regarding the Long Term Planning Committee was reviewed by the Board Members present
- Building Committee Update was presented by Board Member Westley Burnham

The meeting was adjourned at 8:43 p.m. The next Meeting is scheduled for October 15, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-ellen L. Feener, Administrative Assistant


Corey Jackson, Vice Clerk


Town of Essex Planning Board Draft Agenda – September 17, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. .Building Inspector's Report - Or Next Agenda Item or Regular Business
- 8:00 p.m. **ANR Application – 43 & 51 Eastern Avenue – Jeffrey A. Fraser – Application states the ANR Application is 'an equal area parcel exchange to revise the lot line between two parties'.**

Regular Business

- ❖ Board Discussion – Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion – Conomo Point Committee Update
- ❖ Board Discussion – Long Term Planning Committee Update
- ❖ Board Discussion – Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion – New Business
- ❖ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on October 1, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board – September 17, 2014

The meeting called to order at 7:35 p.m. by Kim Drake, Chair, and the meeting was held at the T.O.H.P. Burnham Library.

Board Members Present

Skip Crocker (SC), Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD), William French (WF), Jason Heath (JH), Dexter Doane (DD)

Building Inspector: William Sanborn – Administrative Assistant: Mary-Ellen L. Feener

Building Inspector's Report

88 Belcher Street – Robert & Rebecca Karpp - Assessor Map 16 – Lot 18A

The Building Permit Application was for the siting for a single family home to be approximately 2,450 square feet. The Permit had the approval of the Board of Health, the Department of Public Works for the curb cut, the Conservation Commission and the Fire Department/911.

The Planning Board reviewed the application and the plans.

DD: I move that we accept the siting of the building located at 88 Belcher Street, owned by Robert and Rebecca Karpp, finding the application has the necessary approvals and it meets the requirements of the Town of Essex Bylaw.

The motion was seconded.

The motion was approved 7:0 – unanimously.

0 Riverview Hill Road – Lynn Ann Hagar – Assessor Map 41 – Lot 14B

The Building Permit Application was for the siting for a single family home to be approximately 3,000 square feet. The Permit had the approval of the Board of Health, the Department of Public Works for the curb cut, the Conservation Commission and the Fire Department/911.

The Planning Board reviewed the application and the plans. The Board determined the footprint of the building to be 65 x 32; a 2,080 footprint so it would not require Site Plan Review.

WF: I make a motion that we approve the siting of the new construction, single family home, for the property located at 0 Riverview Hill Road; owner is Lynn Ann Hagar, finding the building permit application has the necessary approvals and meets the requirements of the Town of Essex Bylaw.

The motion was seconded.

The motion was approved 7:0 – unanimously.

ANR Application – 43 & 51 Eastern Avenue

43 Eastern Avenue – Jeffrey A. Fraser – Assessor Map 38 – Lot 57

51 Eastern Avenue - Thomas Lawler & Ken Lawler – Assessor Map 38 – Lot 56

The Application was signed by the owners of both parcels. The application was for an equal area parcel exchange to revise the lot line between two parties.

The Planning Board reviewed the application and the plan.

WB: I make a motion we endorse the ANR Plan for 43 & 51 Eastern Avenue; owners are Jeffrey Fraser and Thomas and Ken Lawler. The Applicants are exchanging equal parcels of lot area to revise the lot lines.

The motion was seconded.

The motion was approved 7:0 – unanimously.

Regular Business

A motion was made to approve the Meeting Minutes of September 3, 2014 as amended.

The motion was seconded.

The motion was approved 7:0 – unanimously.

- Payroll
- Centennial Grove Committee update was not presented by Board Member Jason Heath
- Community Preservation Update was presented by Board Member Kim Drake
- Conomo Point Committee Update was presented by Board Member Kim Drake
- Long Term Planning Committee Update was presented by Board Member Skip Crocker
- Building Committee Update was presented by Board Member Westley Burnham

A motion was made to adjourn the meeting.

The motion was seconded.

The motion was approved 7:0 – unanimously.


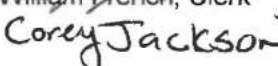
The meeting was adjourned at 8:20 p.m.

The next Regularly Scheduled Meeting of the Town of Essex Planning Board is scheduled for October 1, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen Feener, Administrative Assistant


William French, Clerk


Town of Essex Planning Board Draft Agenda – September 3, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. . **Building Inspector's Report** - *Or Regular Business*

8:00 p.m. **Public Hearing** - 88 Belcher Street - For the proposed relocating a proposed driveway on a Scenic Road- *Or Regular Business*

Regular Business

- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Board Discussion – Potential warrant articles to propose for a fall or spring Town Meeting
- ✓ Board Discussion - The Town of Essex Bylaw and the Map for the Water Protection Overlay District
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Updates from the Chair
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on September 17, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board – September 3, 2014

The meeting called to order at 7:36 p.m. by Kim Drake, Chair, and the meeting was held at the T.O.H.P. Burnham Library.

Board Members Present

Skip Crocker (SC), Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD), William French (WF), Jason Heath (JH), Dexter Doane (DD)

Building Inspector's Report

There were no Building Permit Applications which required review by the Planning Board.

Public Hearing - 88 Belcher Street

Each of the seven Members of the Planning Board were in attendance for the Public Hearing.

The applicants were Robert & Rebecca Karpp and the property is located at 88 Belcher Street; Town of Essex Assessor's Map 16, Lot 18E. – The Public Hearing was being for the proposed relocating a proposed driveway on a Scenic Road

The application and plans were available for review prior to the Public Hearing, as of August 7, 2014, at the Office of the Town Clerk during regular business hours at the Essex Town Hall, 30 Martin Street, Essex, MA.

The Public Hearing Notices were published in a local newspaper, The Gloucester Daily Times, on August 12, 2014 and August 19, 2014.

The Public Hearing was opened by the Chair, Kimberly Drake, at 8:00 p.m. There was no one other than Mr. Ford in attendance for this portion of the meeting.

Mr. Timothy Ford, 10 Locust Road, Ipswich MA, of Ford Properties, was in attendance and represented the owners. There were no other citizens present during the Public Hearing.

Mr. Ford presented a brief overview for the Planning Board of the proposed relocation of the driveway.

The Planning Board reviewed the Application and the Plans.

During the Public Hearing the applicant acknowledged that some trees had been removed prior to the Applicants learning and understanding that they were subject to the Public Hearing process.

During a site visit by the Planning Board, the Board Members observed one tree was girdled by poison ivy and the Board and Mr. Ford acknowledged that this tree may have

to be removed with the permission of the Tree Warden/Superintendent of the Department of Public Works, Paul Goodwin.

A motion to close the Public Hearing was made at 8:10 p.m.

The motion was seconded and approved unanimously. The Public Hearing was closed.

Once the Public Hearing was closed, the Vice Chair, Westley Burnham made a motion.

WB: I move we approve the proposed access for a driveway for the lot located at 88 Belcher Street, Assessor's Map 16, Lot 18E. The approval by the Planning Board is contingent on the fact that the applicants, Robert S. and Rebekah Karpp, are responsible for ensuring that any stones which are disturbed shall be relocated to a new location along the front of the lot or used to patch an existing area where there aren't currently stones. The Planning Board unanimously supports the statement as recorded in the draft July 28, 2014 Meeting Minutes of the Department of Public Works, which states that the rocks removed from the proposed curb cut should be placed in the current access road.

The motion was seconded by Jason Heath and approved unanimously by the Planning Board Members.

Regular Business


A motion was made to approve the the Meeting Minutes of August 6, 2014 and August 20, 2014. The motion was seconded and approved by a Majority of the Board Members present.

- Payroll
- Centennial Grove Committee update was not presented by Board Member Jason Heath
- Community Preservation Update was presented by Board Member Kim Drake
- Conomo Point Committee Update was presented by Board Member Kim Drake
- Long Term Planning Committee Update was presented by Board Member Skip Crocker
- Building Committee Update was presented by Board Member Westley Burnham

The meeting was adjourned at 8:20 p.m. The next Meeting is scheduled for September 17, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


William French, Clerk

Town of Essex Planning Board Draft Agenda – August 20, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. .Building Inspector's Report - ***Or Next Agenda Item or Regular Business***
- 8:00 p.m. Board Discussion & Review – Central Conomo Point Covenant - ***Or Next Agenda Item or Regular Business***
- 8:15 p.m. Board Discussion & Review – Board Discussion with Department of Public Works Superintendent, Paul Goodwin, regarding the Town of Essex Bylaw and the Map for the Water Protection Overlay District. - ***Or Next Agenda Item or Regular Business***

Regular Business

- ❖ Board Discussion – Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion – Conomo Point Committee Update
- ❖ Board Discussion – Long Term Planning Committee Update
- ❖ Board Discussion – Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion – New Business
- ❖ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on September 3, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board – August 20, 2014

The meeting called to order at 7:38 p.m. by Kim Drake, Chair, and the meeting was held at the T.O.H.P. Burnham Library.

Board Members Present:

Skip Crocker (SC), Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD), Will French (WF), Jason Heath (JH), Dexter Doane (DD)

Building Inspector's Report

105 Eastern Avenue – Arlene Taliadoris – Assessor's Map 39, Lot 47

The Building Permit Application was to demolish and remove the existing house and foundation as well as to install a new foundation and construct a new dwelling.

The Board reviewed the application and the plan.

WB: I move we approve demolition of the existing dwelling and the siting for a new home to be constructed at 105 Eastern Avenue, Arlene Taliadoris, under the Town of Essex Bylaw 6-4.2, finding the new construction is no more detrimental to the neighborhood.

The motion was seconded and approved unanimously by the Board.

The Planning Board reviewed and signed the Release of the Central Conomo Point Covenant

WB: I move the Town of Essex Planning Board releases the Covenant for the Central Conomo Point Zoning District.

The motion was seconded and approved unanimously by the Board.

Board Discussion with Department of Public Works Assistant Superintendent/Chief Operator Michael Galli

Michael Galli and the Board discussed the Town of Essex Bylaw and the Map for the Water Protection Overlay District.

Regular Business

- Payroll
- Centennial Grove Committee update was not presented by Board Member Jason Heath
- Community Preservation Update was presented by Board Member Kim Drake
- Conomo Point Committee Update was presented by Board Member Kim Drake
- Long Term Planning Committee Update was presented by Board Member Skip Crocker
- Building Committee Update was presented by Board Member Westley Burnham

The meeting was adjourned at 8:43 p.m. The next Meeting is scheduled for September 3, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


William French, Clerk

Town of Essex Planning Board Draft Agenda – August 6, 2014

Public Meeting to be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report - *or Regular Business*

Regular Business

- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Updates from the Chair
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on August 20, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board – August 6, 2014

The meeting called to order at 7:38 p.m. by Kim Drake, Chair, and the meeting was held at the T.O.H.P. Burnham Library.

Board Members Present:

Skip Crocker (SC), Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD),

Board Members Absent:

William French, Jason Heath and Dexter Doane

Building Inspector's Report

105 Eastern Avenue – Arlene Taliadoris – Assessor's Map 39, Lot 47

The Board reviewed the application and the plan. The Board and the Building Inspector reviewed the requirements for corner lots. Due to the fact that the foundation did not meet the current setback requirements it was agreed upon the Applicant would need to attend a future meeting of the Planning Board with a Building Permit application and construction plans.

88 Belcher Street – Robert & Rebeckah Karpp; owners, not attending the meeting – Timothy Ford representing the owners was present – Assessor's Map 16, Lot 18E

Timothy Ford had recently submitted an application for a Public Hearing to the Town Clerk and the Planning Board Office due to the fact that Belcher Street is a Designated Scenic Road.

While the Board was reviewing the application, Timothy Ford did question the Board as to why his clients would require a Public Hearing. The Board explained to Timothy Ford that a Public Hearing would be required. The Board also scheduled a site walk to look at the property prior to the Public Hearing.

Regular Business


- Payroll
- Centennial Grove Committee update was not presented by Board Member Jason Heath
- Community Preservation Update was presented by Board Member Kim Drake
- Conomo Point Committee Update was presented by Board Member Kim Drake
- Long Term Planning Committee Update was presented by Board Member Skip Crocker
- Building Committee Update was presented by Board Member Westley Burnham

The meeting was adjourned at 8:20 p.m. The next Meeting is scheduled for August 20, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-ellen Feener, Administrative Assistant


William French, Clerk

Town of Essex Planning Board Draft Agenda – July 16, 2014

Public Meeting to be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Informal Discussion regarding possible subdividing a lot – 41 Lebaron Road – Henry Gourdeau –or Next Agenda Item or Regular Business

Regular Business

- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Updates from the Chair
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on August 6, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board – July 16, 2014

The meeting was called to order at 7:33 p.m. by Kim Drake, Chair and the meeting was held at T.O.H.P. Burnham Library.

Board Members Present:

Skip Crocker (SC), Westley Burnham (WB), Kim Drake (KD), Jason Heath (JH), William French (WF)

Board Members Absent:

Corey Jackson, Dexter Doane

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

- Payroll
- Invoices
- Centennial Grove Committee update presented by Board Member Jason Heath
- Community Preservation Update presented by Board Member Kim Drake
- Conomo Point Committee Update presented by Board Member Kim Drake
- Long Term Planning Committee Update presented by Board Member Skip Crocker
- Building Committee Update presented by Board Member Westley Burnham
- The Meeting Minutes of June 4, 2014 and June 18, 2014 were approved as amended by a majority of the board Members present.

Informal Discussion – 41 Lebaron Road – Henry Gourdeau

Attorney James Kroesser, representing the home owner, and Henry Gourdeau were present for the informal discussion with the Planning Board.

In October 2009 the Planning Board approved an ANR Plan submitted by John Fenton. The land was located on what is known as Abel's Island. The plan divided the land into three lots; lots 47, 49 and 51. There are three unattached dwellings on one of the lots. They are considered to be condominium units. H. Gourdeau now owns 41 Lebaron Road which is one of the dwellings that are on the lot which has three condominium units.

H. Gourdeau and Attorney Kroesser wanted to discuss H. Gourdeau's options for subdividing the portion of land where his dwelling is located apart from the other portion of land.

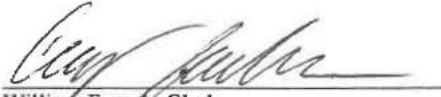
The Planning Board shared the concern that the houses were located on what they consider to be a driveway and that the driveway was not constructed to the standards as required in the Town of Essex Bylaws. There was a lot of conversation regarding where Lebaron Road ends. It was also pointed out to Attorney Kroesser and H. Gourdeau that no one had yet presented information which would support there had been, and still were, buildings on the island which existed prior to 1954. There was also a discussion regarding what would be required for a subdivision plan application.

The meeting was adjourned at 8:45 p.m. The next Meeting is scheduled for August 6, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


William French, Clerk
Corey Jackson

Public Meeting - Town of Essex Planning Board – June 18, 2014

The meeting was called to order at 7:35 p.m. by Kim Drake, Chair and the meeting was held at T.O.H.P. Burnham Library.

Board Members Present:

Skip Crocker (SC), Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD), Jason Heath (JH)

Board Members Absent:

William French, Dexter Doane

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

- Payroll
- Invoices

- Centennial Grove Committee update presented by Board Member Jason Heath
- Community Preservation Update presented by Board Member Kim Drake
- Conomo Point Committee Update presented by Board Member Kim Drake
- Long Term Planning Committee Update presented by Board Member Skip Crocker
- Building Committee Update presented by Board Member Westley Burnham

ANR Application – 230 Western Avenue & 2 Piper Lane – Gateway II Trust

The Planning Board reviewed the recent Board of Appeals Decision and the ANR Application and Plan submitted for this property.

The Planning Board Members agreed that due to the fact the Board of Appeals Decision did not specifically identify the fact that the property is located in the Water Resource Protection Overlay District the Planning Board could not endorse the ANR Application at this meeting since what was being proposed did not meet the current zoning standards in the Bylaw for properties located in the Water Resource Protection Overlay District. (Town of Essex Bylaw 6-10.3.)

The Applicant withdrew the ANR Application and Plan without prejudice.

Site Plan Review Application for a change of use - 230 Western Avenue - Gateway II Trust

Due to the fact that this application was regarding the same property as the ANR Application previously mentioned and the Planning Board would not endorse the ANR Plan at this meeting, the Applicant withdrew his Site Plan Review Application without prejudice.

Site Plan Review Application for a change of use – 185 John Wise Ave. – Costello Construction and Remodeling Inc.

The Planning Board reviewed the Application and the Plan for this property. The Board also reviewed the criteria for Site Plan Review which may be found in the Town of Essex Bylaw 6-3.5.

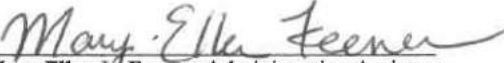
JH: I move the Board approves the Change of Use from a single family dwelling to an office building for the property located at 185 John Wise Avenue finding the existing structure meets the standards within the Town of Essex Bylaws for a building with a Business Use.

The motion was seconded and approved by the Majority of Board Members present.

The meeting was adjourned at 8:43 p.m. The next Meeting is scheduled for July 2, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen Feener, Administrative Assistant


William French, Clerk

JULY 2, 2014

**The Regularly Scheduled Planning Board
Meeting was cancelled.**

Town of Essex Planning Board Draft Agenda – June 4, 2014

Public Meeting to be held at the Essex Elementary School, 12 Story Street, Essex MA

- 7:30 p.m. .Building Inspector's Report - **or Regular Business**
- 8:00 p.m. Public Hearing – Special Permit Application -Garden Remedies Inc. - 197 Western Avenue - **or Next Agenda Item or Regular Business**
- 8:45 p.m. Site Plan Review Application - Garden Remedies Inc. - 197 Western Avenue - **or Next Agenda Item or Regular Business**

Regular Business

- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Updates from the Chair
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on June 18, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board – June 4, 2014

The meeting called to order at 7:32 p.m. by Westley Burnham, Vice Chair, and the meeting was held at the Essex Elementary School.

Board Members Present:

Skip Crocker (SC), Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD), Jason Heath (JH)

Board Members Absent:

William French and Kim Drake

Building Inspector's Report

34 Belcher Street

The Building Inspector presented a Building Permit Application for the property located at 34 Belcher Street, Assessor's Map 13, Parcel 2, which is owned by James and Christine Geongoulakis. The Applicants would like to build a 36 x 52 Barn/Shed. The Application was approved by the Board of Health, the Conservation Commission and the Fire Department/911. The Board of Health made note on the Building Permit Application that there would be no interior plumbing.

The Board reviewed the application and the plan.

DD: I move we accepting the siting of the 36 x 52 Barn/Shed for the property located at 34 Belcher Street finding it meets the requirements of the Town of Essex Bylaws and the application has the required approvals.

36 Belcher Street

The Building Inspector presented a Building Permit Application for the property located at 36 Belcher Street, Assessor's Map 13, Parcel 2B, which is owned by James Geongoulakis Jr. The Applicants would like to build a 40 x 60 Carriage House. The Application was approved by the Board of Health and the Fire Department/911.

The Board reviewed the application and the plan.

JH: I move we approve the siting of the 40 x 60 Carriage House for the property located at 36 Belcher Street finding it meets the requirements of the Town of Essex Bylaws and the application has the required approvals.

Regular Business

- Payroll
- Invoices

- Centennial Grove Committee update presented by Board Member Jason Heath
- Community Preservation Update was not presented by Board Member Kim Drake

- Conomo Point Committee Update was not presented by Board Member Kim Drake
- Long Term Planning Committee Update presented by Board Member Skip Crocker
- Building Committee Update presented by Board Member Westley Burnham
- Updates from Vice Chair: Westley mentioned that depending on if the Attorney General approves or disapproves the Bylaw Change regarding Medical Marijuana which was approved at the recent Special Town Meeting that an upcoming project for the Planning Board may be to review the Bylaw and Definition regarding Medical Marijuana.

Public Hearing – Special Permit Application -Garden Remedies Inc. - 197 Western Avenue
Vice Chair, Westley Burnham opened the Public Hearing at 8:00 p.m.

Westley read for the Board and those attending the meeting a letter from the Applicants dated June 2, 2014, stating that they would be withdrawing their Special Permit Application.

DD: I move we accept the withdrawal of the Special Permit Application which was submitted by Garden Remedies Inc. without prejudice.

The motion was approved by a Majority of Board Members Present.

JH: I move we close the Public Hearing.

The motion was approved by a Majority of Board Members Present and the Public Hearing was closed at 8:08 p.m.

Site Plan Review Application - Garden Remedies Inc. - 197 Western Avenue


CJ: I move we accept the withdrawal of the Site Plan Review Application which was submitted by Garden Remedies Inc. without prejudice.

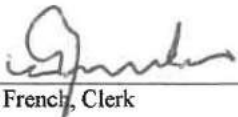
The motion was approved by a Majority of Board Members Present.

The meeting was adjourned at 8:20 p.m. The next Meeting is scheduled for June 18, 2014 and will be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


William French, Clerk

Town of Essex Planning Board Draft Agenda – June 18, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. **.Building Inspector's Report or Next Agenda Item or Regular Business**
- 8:00 p.m. **Informal Discussion regarding possible subdividing a lot – 41 Lebaron Road – Henry Gourdeau –or Next Agenda Item or Regular Business**
- 8:10 p.m. **ANR Application – 230 Western Avenue & 2 Piper Lane – Gateway II Trust - or Next Agenda Item or Regular Business**
- 8:25 p.m. **Site Plan Review Application for a change of use - 230 Western Avenue - Gateway II Trust - or Next Agenda Item or Regular Business**
- 8:40 p.m. **Site Plan Review Application for a change of use – 185 John Wise Ave. – Costello construction and Remodeling Inc. - or Next Agenda Item or Regular Business**

Regular Business

- ❖ Board Discussion – Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion – Conomo Point Committee Update
- ❖ Board Discussion – Long Term Planning Committee Update
- ❖ Board Discussion – Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion – New Business
- ❖ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on July 2, 2014,
at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Town of Essex Planning Board Draft Agenda – May 21, 2014

Public Meeting to be held at the Essex Elementary School, 12 Story Street, Essex MA

- 7:30 p.m. .Building Inspector's Report - *or Regular Business or 9:00 p.m. Agenda Item*
- 8:00 p.m. Public Hearing for the Proposed Warrant Article is to see if the Town will vote to amend Section 6-3.4.2.m of the Town of Essex Zoning Bylaws, Uses Requiring Special Permit, Medical Marijuana Treatment Center/Registered Marijuana Dispensary, or to act or do anything in relation thereto.
- 9:00 p.m. Board Discussion & Review – Central Conomo Point Zoning District Covenant and Plan *or Regular Business*

Regular Business

- Board Discussion - Town Meetings & Election 2014
- Board Discussion – Nomination of Chair, Vice Chair, Clerk, Vice Clerk
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Long Term Planning Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- Updates from the Chair
- Board Discussion – New Business
- Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on June 4, 2014, at the Essex Elementary School, 12 Story Street, Essex MA, and will commence at 7:30 p.m.

Town of Essex Planning Board Meeting Minutes – May 21, 2014
The Public Meeting to be held at the Essex Elementary School, 12 Story Street, Essex MA

The Meeting was called to order at 7:34p.m. by Chair, Kim Drake and was held at the Essex Elementary School, 12 Story Street, Essex MA

Attendees: Kim Drake (KD), Skip Crocker (SC), William French (WF), Wes Burnham (WB), Jason Heath (JH) Dexter Doane (DD), Corey Jackson (CJ)

Building Inspector: Bill Sanborn (BS) - **Secretary:** Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

Volunteer Committee Updates

- Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Payroll & Invoices

41 & 43 John Wise Avenue – Front Field Tillage Partnership

The Board reviewed the ANR Plan for the division of two lots, Lot 1, Assessor Map 18, Parcel 5A and Lot 2, Assessors Map 18, Lot 5. The plan was dated May 5, 2014 and the Engineer was Peter McGoldrick, The Morin-Cameron Group, Inc. The Plan was prepared for The Windomear Realty Trust and Marianne a. Bode, Aimee B. Konevich and Michael J. Konevich.

JH: I move we endorse the ANR Plan submitted by Front Field Tillage Partnership two divide f two lots, Lot 1, Assessor Map 18, Parcel 5A and Lot 2, Assessors Map 18, Lot 5.

The motion was seconded and approved by a majority of members present.

Public Hearing – Amend Section 6-3.4.2.m Warrant Article for Special Annual Town Meeting 2014

The proposed Warrant Article is to see if the Town will vote to amend Section 6-3.4.2.m of the Town of Essex Zoning Bylaws, Uses Requiring Special Permit, Medical Marijuana Treatment Center/Registered Marijuana Dispensary, or to act or do anything in relation thereto.

Westley Burnham was the Acting Chair for this portion of the Meeting.

Westley read the Preamble for Public Hearing which is read prior to all Public Hearings.

Mark Renzi, 89 Choate Street, on behalf of the Petitioners, presented the proposed Warrant Article to the Public and the Planning Board.

Bruce Fortier, Southern Avenue, stated his biggest concern was that there was no real definition as to what land is available and there has not been an accurate map done to show what land would be available for a Medical Marijuana Dispensary or Cultivation Center.

Susan Murphy, Attorney represented by the Petitioners.

Dan Mayer, 2 Liberty Road, suggested that a potential business could purchase a residence that was 1,500 feet away from another residence and 2,500 feet from a school or a daycare facility and be within the proposed guidelines.

Mark Renzi, stated that there were plenty other locations in Essex where a facility could be located.

Bruce Fortier asked the board is there were any technical concerns regarding the proposed Bylaw.

Brendhan Zubricki, Town Administrator, said that the proposed Bylaw was not written or reviewed by Town Counsel due to the fact that it was submitted by Petition.

John Guerin, Belcher Street, shared the fact that within the past ten years there was another Citizen Initiative to have a Scenic Byway Bylaw for John Wise Avenue and that at the time it was considered to be exclusionary zoning and he suggested the Warrant Article being proposed this evening was also proposing exclusionary zoning.

Susan Lynch, 60R County Road, asked if the Planning Board was going to support the proposed Warrant Article.

Westley explained the reason for the Public Hearing was to hear public input and then the Board would vote if they would support the proposed Warrant Article.

Annie Cameron, Pickering Street, asked about the Public Hearing Process and a proposed Warrant Article.

Mark Lynch, County Road, asked what the Planning Board would be determining following the Public Hearing.

Westley answered both questions.

Bruce Fortier, mentioned Chapter 40A, Section 5. (Massachusetts General Law).

Susan Coviello, 6 Burnham Court, asked if the RMD is for growing facilities and dispensaries.

Kim Drake explained to the public and answered the question by referring to the Department of Public Health's Regulations which states that a growing facility and a dispensary cannot be in the same location.

David Briscoll, 145 Western Avenue, read the DPH Regulation.

Dan Mayer asked if another business could go in the building if Garden Remedies withdrew their application. *(There is a Special Permit Application for a property located at 197 Western Avenue by Garden Remedies. The Public Hearing is scheduled for June 4, 2014).*

Before the question could be answered, John Guerin, stood up and discussed MGL Chapter 40A, Section 3, regarding commercial agriculture. He also asked the public where had a lot of the people in attendance this evening been when in 2013 the Bylaw passed with a 68% in favor vote in 2013.

Phillip Lake, Apple Street, said that he wanted to accentuate the fact that 68% of the Town did approve the current Medical Marijuana Definition and Bylaw in 2013 and that he believed that this appears to be a case of a 'not in my back yard' with abutters of the proposed site being the people who are strongly backing the Warrant Article *(Garden Remedies Inc. 197 Western Avenue).*

Jay Sweet, Apple Street, Alison Faulk, Scott Faulk of 5 Lufkin Point Road and Loretta Uhmyer, Lowe Hill Road, stood up to ask questions and share their thoughts on the proposed Warrant Article.

The Public Hearing was closed at 9:30 p.m.

Planning Board Discussion

The Planning Board unanimously agreed to have the positions of Chair, Vice Chair, Clerk and Vice Clerk to be filled by the same people who filled them the previous year.

The Planning Board discussed the Public Hearing.

KD: I move the Planning Board does not recommend the proposed Warrant Article due to the insufficient information provided regarding the available land for a Medical Marijuana Growing Facility or Dispensary and that accurate maps should be provided.

The motion was seconded and approved by the majority of Board Members Present.

A roll call vote was lead by Vice Chair, Westley Burnham. All Board Members voted in favor of the motion. The motion to not recommend at the Special Town Meeting on June 3, 2014, the proposed Warrant Article was unanimously approved by the Planning Board.

A motion was made to adjourn the meeting at 9:55 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for June 4, 2014 at the Essex Elementary School, 12 Story Street, and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Ellen L. Feener, Administrative Assistant


Corey Jackson, Planning Board Clerk

Town of Essex Planning Board Draft Agenda – May 7, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. .Building Inspector's Report - **or Next Agenda Item or Regular Business**
- 8:00 p.m. Board Discussion & Review – Review of Site Plan Review Application and Special Permit Application – 197 Western Avenue – Garden Remedies Inc. and brief Board Discussion with Police Chief Silva - **or Next Agenda Item or Regular Business-**
- 8:25p.m. Board Discussion & Review – Public Hearing for Warrant Article for the Special Town Meeting - **or Next Agenda Item or Regular Business**
- 8:35 p.m. Board Discussion – Maintenance Agreement – 23 Centennial Grove Road – Symmes - **or Next Agenda Item or Regular Business**
- 8:45 p.m. Amend Site Plan Review Application – 60 John Wise Avenue – Pallazola Bros. Landscape, Construction & Maintenance- **or Next Agenda Item or Regular Business**
- 9:00 p.m. Board Discussion & Review – Central Conomo Point Zoning District Covenant - **or Regular Business**

Regular Business

- ❖ Board Discussion – Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion – Conomo Point Committee Update
- ❖ Board Discussion – Long Term Planning Committee Update
- ❖ Board Discussion – Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Board Discussion - Town Meetings & Election 2014
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion – New Business
- ❖ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on May 21, 2014, at the Essex Elementary School, 12 Story Street, Essex MA, and will commence at 7:30 p.m.

Public Meeting - Town of Essex Planning Board - May 7, 2014

The Meeting called to order at T.O.H.P. Burnham Library at 7:35 p.m. by Kim Drake, Chair.

Board Members Present:

Skip Crocker (SC), Dexter Doane (DD), Corey Jackson (CJ), Westley Burnham (WB), Kim Drake (KD)

Board Members Absent:

William French, Jason Heath

Building Inspector's Report

Assistant Building Inspector, Bill Holton, presented a Building Permit Application for 104 John Wise Avenue, Assessors Map 17, Parcel 16, owned by Nancy M. and Ray A. Frieden. The application is for the siting of a foundation for a future garage and dwelling unit above the garage. The application was approved by the Board of Health, DPW Wastewater and the Fire Department/911.

The Planning Board reviewed the application and the plan.

CJ: I move that the Planning Board approves the siting of the foundation for the property located at 104 John Wise Avenue and that the Board approves the construction of a garage with a dwelling unit located above the garage under the Town of Essex Bylaw 6-4.2, the extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, finding that the application meets the other requirements of the Town of Essex Bylaws and has the proper approvals. It shall be noted that the property will be changed from a one to a two family dwelling.

The motion was seconded and approved by the Majority of Board Members present.

Regular Business

The Board Members reviewed and signed documentation and the plan for the subdividing of 23-25 Centennial Grove Road.

The Board Members reviewed and signed the Central Conomo Point Covenant.

- Payroll
- Invoices

- Centennial Grove Committee update
- Community Preservation Update
- Conomo Point Committee Update
- Long Term Planning Committee Update

- Updates from the Chair: Chair, Kim Drake, shared a general overview of the May 2014 Town Meeting

Planning Board Discussion – proposed Medical Marijuana Growing Facility

Kim Drake read to the Board and those attending the meeting, the letter sent to the Board from Fire Chief Doucette regarding a proposed medical marijuana growing facility.

Police Chief Silva and his Assistant Chief attended the Meeting. Chief Silva submitted his suggestions and concerns regarding a proposed medical marijuana growing facility.

Public Hearing Date for the Special Permit Application submitted by Garden Remedies – 197 Western Avenue

Westley Burnham will be the Acting Chair for this and future proceedings regarding this Special Permit Application and the Site Plan Review Application.

KD: I move we schedule the Public Hearing for Garden Remedies, 197 Western Avenue for June 4, 2014, commencing at 8 p.m. at the Regularly Scheduled Meeting to be held at the Essex Elementary School.

The motion was seconded and approved by the Majority of Board Members present.

Public Hearing Date for the Proposed Warrant Article which will be presented at a Special Town Meeting

Westley Burnham will be the Acting Chair for this and future proceedings regarding the proposed Warrant Article.

Acting Chair, Westley Burnham, read the proposed Warrant Article for the public. He stated the Public Hearing will be held on May 21, 2014, commencing at 8 p.m. and will be held at the Essex Elementary School.

KD: I move we schedule the Public Hearing for the proposed Warrant Article for May 21, 2014, commencing at 8 p.m. at the Regularly Scheduled Meeting to be held at the Essex Elementary School.

The motion was seconded and approved by the Majority of Board Members present.

Application to Amend a Site Plan Review Decision - 60 John Wise Avenue – Palazolla Brothers

The engineer representing the applicants presented an overview of what was being proposed which was the applicants would like to Amend the 2009 Site Plan Review so they may construct a 50' x 100' storage building.

The Board reviewed the criteria for Site Plan Review. A draft recommendation was completed by the Board during the meeting and it was decided that WB would write and sign the final recommendation. A copy of the Site Plan Review will be attached to these Meeting Minutes.


DD: I move we approve the Siting of the 50' c 100' storage shed located at 60 John Wise Avenue.


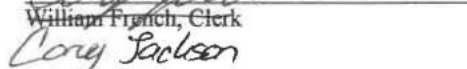
The motion was seconded and approved by the Majority of Board Members present.

The meeting was adjourned at 9:08 p.m. The next Meeting is scheduled for May 21, 2014 and will be held at the Essex Elementary School and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-ellen L. Feener, Administrative Assistant


William French, Clerk


Town of Essex Planning Board Draft Agenda – April 16, 2014
Public Meeting to be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. Building Inspector's Report or Regular Business or Site Plan Review, 35 Dodge Street, Curt Bergeron
- 8:00 p.m. Public Hearing for a proposed warrant article is to see if the Town will vote to modify the Zoning Bylaw by amending Chapter 6-10.2 Flood Plain Overlay District, to reflect the changes required for the National Flood Insurance Program or Site Plan Review, 35 Dodge Street, Curt Bergeron
- 8:30 p.m. Site Plan Review, 35 Dodge Street, Curt Bergeron or ANR Application - 23, 25, 27 Centennial Grove Road – Symmes or Regular Business
- 8:45 p.m. ANR Application - 23, 25, 27 Centennial Grove Road – Symmes

Regular Business

- ❖ Correspondence
- ❖ Payroll & Invoices
- ❖ Meeting Minutes
- ❖ Board Discussion – Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion – Conomo Point Committee Update
- ❖ Board Discussion – Long Term Planning Committee Update
- ❖ Board Discussion – Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Board Discussion - Town Meeting 2014
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion – New Business
- ❖ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on May 7, 2014 – the location of the next meeting to be determined at a future date and properly posted

Town of Essex Planning Board Meeting Minutes – April 16, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

The Meeting was called to order at 7:32 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Kim Drake (KD), Skip Crocker (SC), Wes Burnham (WB), Corey Jackson (CJ), William French (WF), Jason Heath (JH) Absentee: Dexter Doane

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Site Plan Review, 35 Dodge Street, Curt Bergeron

Curt Bergeron explained to the Board that he was presenting a Site Plan Review Application to the Board for a Change of Use of a current residence to a restaurant. The Board reviewed the criteria for Site Plan Review and the application and plan.

WB: I move we approve the Site Plan Review Application for the property located at 35 Dodge Street, the owner is Curt Bergeron.

The motion was seconded and approved by the Board Members present.

Medical Marijuana Dispensaries and Growing Facilities

There were many people in attendance (approximately 45 – 60 people) and they shared the fact that they were attending the meeting this evening due to their concerns regarding the fact that Garden Remedies, Inc. may be submitted an application for a property located at 197 Western Avenue with the stated intention of using the building for a Medical Marijuana Growing Facility.

In fact Garden Remedies Inc. had submitted a Special Permit Application and a Site Plan Review Application for the property located at 197 Western Avenue, to the Town Clerk and the Planning Board early in the day. The Planning Board stated they would review the applications during the regularly scheduled meeting on May 7, 2014 and set a date for a Public Hearing during the May 7th Meeting.

The Board allowed the public a chance to ask general questions regarding applications, the general required steps and process for certain types of applications presented to the Planning Board and the current Town of Essex Bylaws and Massachusetts General Laws.

Public Hearing for a proposed warrant article is to see if the Town will vote to modify the Zoning Bylaw by amending Chapter 6-10.2 Flood Plain Overlay District, to reflect the changes required for the National Flood Insurance Program

Town Administrator, Brendhan Zubricki, presented a brief overview of the proposed Warrant Article and he read aloud a letter regarding the proposed Warrant Article from the Federal Emergency Management Agency (FEMA).

John Guerin, 16 Belcher Street, shared with the Board his thoughts, concerns and endorsement of the proposed Warrant Article.

WB: I move that we close the Public Hearing.

The motion was seconded and approved by the Board Members present.

ANR Application - 23, 25, 27 Centennial Grove Road – Symmes

The Board reviewed the Application Form and the Plan.

WB: I move we endorse the Form A Application submitted by Keith and Faith Symmes of 23 Centennial Grove Road, Assessor's Map 8, Lot 50, for the subdivision of four lots with frontage on a Right of Way that meets the standard requirements of the Town of Essex Bylaws and Rules and Regulations Relative to Subdivision Control. Lot 27A, which is a 2.03 acre lot as shown on the plan, will be deemed to be under common ownership and will not have a dwelling and be considered not a buildable lot. Lots 23, 25 and 27 Centennial Grove Road currently have dwellings and outbuildings. As shown on the Plan dated July 17, 2006, revised on June 4, 2007 and on April 29, 2008; Rural Land Surveys, Danvers, Massachusetts.

The motion was seconded and approved by the Board Members present.

The Board and the Applicant(s) agreed that the Planning Board would hold back the endorsed ANR Plan until such time that the Declaration of Shared Right of Way and Maintenance Agreement was executed and when the Applicant(s) had completed any agreements necessary with the Board of Selectmen and the Town of Essex for access to the Right of Way over land owned by the Town of Essex.

Regular Business

Volunteer Committee Updates

- ✓ Centennial Grove Committee Update was not provided by Volunteer Committee Member, Jason Heath
- ✓ Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- ✓ Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- ✓ Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- ✓ Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Payroll

A motion was made to adjourn the meeting at 9:30 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for May 7, 2014 at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:

Mary-Ellen L. Feener, Administrative Assistant



Corey Jackson, Planning Board Clerk

Town of Essex Planning Board Draft Agenda - April 2, 2014
Public Meeting to be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. Building Inspector's Report or Regular Business or next Agenda Item
- 8:00 p.m. . ANR - 22 John Wise Road - Applicant: Stuart Pratt, or Regular Business or next Agenda Item
- 8:15 p.m. Informal Discussion - 36R Story Street - David Kempkie, or Regular Business or next Agenda Item
- 8:25 p.m. Board Discussion - Revise the Approval of the Central Conomo Point Definitive Plan Decision: Board to discuss possible edits to the Decision approved on March 19, 2014; this may include the deletion of any reference to zoning sub-districts due to the fact they do not exist in the CCPZD and any other editing deemed to be necessary by the Board.

Regular Business

- ❖ Correspondence
- ❖ Payroll & Invoices
- ❖ Meeting Minutes
- ❖ Board Discussion - Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion - Conomo Point Committee Update
- ❖ Board Discussion - Long Term Planning Committee Update
- ❖ Board Discussion - Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Board Discussion - Town Meeting 2014
- ❖ Board Discussion - The Public Hearing regarding a Flood Plain Overlay District to be held during the Regularly Scheduled Meeting on April 16, 2014 at the T.O.H.P. Burnham Library
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion - New Business
- ❖ Board Discussion - Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on April 16, 2014, at the T.O.H.P. Burnham Library, 30 Martin Street Essex MA.

Town of Essex Planning Board Meeting Minutes – April 2, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

The Meeting was called to order at 7:35 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Kim Drake (KD), Skip Crocker (SC), Wes Burnham (WB), Dexter Doane (DD)

Absentees: Corey Jackson, William French, Jason Heath

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

ANR – 22 John Wise Road – Applicant: Stuart Pratt

The applicant formally withdrew the application prior to the meeting.

Informal Discussion – 36R Story Street - David Kempskie

The Building Inspector asked David Kempskie to obtain the Planning Board's input regarding the access to a lot where he would like to build a structure. The Planning Board remembered the subdivision well and reviewed the approved plan. The Board stated that David Kempskie did have appropriate, approved access to the lot.

Board Discussion – Revise the Approval of the Central Conomo Point Definitive Plan Decision

The Board discussed further edits to the Definitive Subdivision Plan Decision approved by the Planning Board on March 19, 2014. The Board agreed to delete any references to zoning sub-districts due to the fact they do not exist in the Central Conomo Point Zoning District.

WB: I move we approve the revision to the Central Conomo Point Definitive Subdivision Plan Decision dated March 19, 2014 to delete any reference to zoning sub-districts.

The motion was seconded and approved by the Board Members present.

Regular Business

Volunteer Committee Updates

- ✓ Centennial Grove Committee Update was not provided by Volunteer Committee Member, Jason Heath
- ✓ Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- ✓ Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- ✓ Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- ✓ Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Meeting Minutes

A motion was made to approve as amended, the Meeting Minutes of March 19, 2014. The motion was seconded and unanimously approved.

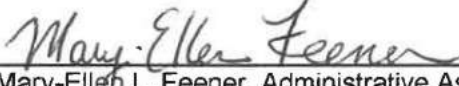
Payroll

A motion was made to adjourn the meeting at 8:18 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for April 16, 2014 at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:



Mary-Ellen L. Feener, Administrative Assistant



Corey Jackson, Planning Board Clerk

Town of Essex Planning Board Draft Agenda – March 19, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

- 7:30 p.m. .Building Inspector's Report or Next Agenda Item or Regular Business
- 7:55 p.m. Board to sign previously approved ANR Plan - James and Lynn Ann Hagar for land located on Riverview Road, or Next Agenda Item or Regular Business
- 8:00 p.m. 65 Eastern Avenue – PMC Trust – Site Plan Review for a storage unit with a square footprint which will exceed 2,500 sq ft, or Next Agenda Item or Regular Business
- 8:15 p.m. 22 John Wise Avenue – ANR Application - Stuart Pratt; Applicant – Joseph, Michael, Matthew, Susan Ginn; Owners of Record, or Next Agenda Item or Regular Business
- 8:30 p.m. Board Discussion – Draft Decision – Central Conomo Point Zoning District Definitive Subdivision Plan Application

Regular Business

- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Board Discussion - Town Meeting & Election 2014
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Updates from the Chair
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on April 2, 2014,
at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Town of Essex Planning Board Meeting Minutes – March 19, 2014

Public Meeting to be held at the T.O.H. P. Burnham Library, 30 Martin Street, Essex MA

The Meeting was called to order at 7:30 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Attendees: Kim Drake (KD), Skip Crocker (SC), William French (WF), Wes Burnham (WB), Jason Heath (JH)
Absentees: Dexter Doane, Corey Jackson

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Board to sign previously approved ANR Plan - James and Lynn Ann Hagar for land located on Riverview Road

Excerpt from 11-20-14 Meeting Minutes:

WB: I move we endorse the ANR, Map 41, Lot 14, James and Lynne Ann Hagar, Spring Street for land located on Riverview Road finding it meets the Town of Essex Zoning Requirements. This decision is formed on opinion from Kopelman and Paige Town Counsel in a letter dated October 23, 2013.

The motion was seconded and approved by the members present.

The Planning Board signed the Mylar and the copies of the plan. The Applicants had paid the required application fee.

65 Eastern Avenue – PMC Trust – Site Plan Review

The Board reviewed the application and the plan.

WB: I move we approve the Site Plan Review Application and Plan of 65 Eastern Avenue, PMC Trust, for a storage unit with a square footprint which will exceed 2,500 sq ft finding it meets the requirements of the Town of Essex Bylaws and has the necessary approvals.

The motion was seconded and approved by a majority of members present.

WB: I move we approve the siting of the building located at 65 Eastern Avenue.

The motion was seconded and approved by a majority of members present.

22 John Wise Avenue – ANR Application - Stuart Pratt; Applicant – Joseph, Michael, Matthew, Susan Ginn; Owners of Record

Applicants did not attend the meeting. The Board did not review the application or the plan.

Board Discussion – Draft Decision – Central Conomo Point Zoning District Definitive Subdivision Plan Application

The Board reviewed the draft decision.

WB: I move we approve the Definitive Subdivision Plan Application for the Central Conomo Point Zoning District.

The motion was second and approved by a majority of Board Members present.

Regular Business

Proposed flood plain warrant article

WB: I move that we hold a Public Hearing for the Proposed Flood Plain Warrant Article on April 16, 2014, to commence at 8:00 p.m., the location to be determined at a later date.

The motion was second and approved by a majority of Board Members present.

Volunteer Committee Updates

- Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Meeting Minutes

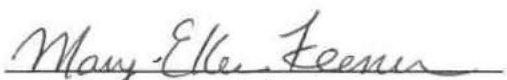
A motion was made to approve as amended, the Meeting Minutes of March 5, 2014. The motion was seconded and unanimously approved.

A motion was made to adjourn the meeting at 9:33 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for April 2, 2014 at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Elle L. Feener, Administrative Assistant


Corey Jackson, Planning Board Clerk

Town of Essex Planning Board Draft Agenda – March 5, 2014

Public Meeting to be held at the Essex Fire House Meeting Room, 24 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

8:00 p.m. Public Hearing - Amended plan submitted by the Board of Selectmen for a Definitive
Subdivision Plan for a Central Conomo Point Zoning District

Regular Business

- Correspondence
- Payroll & Invoices
- Meeting Minutes
- Board Discussion – Centennial Grove Committee
- Board Discussion - Community Preservation Committee
- Board Discussion - Building Committee Update
- Board Discussion – Conomo Point Committee Update
- Board Discussion – Long Term Planning Committee Update
- Board Discussion – Potential upcoming projects for the Planning Board
- Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- Board Discussion - Town Meeting & Election 2014
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion – New Business
- ❖ Board Discussion – Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on March 19, 2014,
at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA.

Meeting Minutes - Town of Essex Planning Board – March 5, 2014

The Meeting was called to order at 7:38 p.m. by Chair, Kim Drake and was held at the Essex Fire Department Meeting Room, 24 Martin Street, Essex MA.

Attendees: Kim Drake (KD), Skip Crocker (SC), William French (WF), Wes Burnham (WB), Corey Jackson (CJ), Dexter (DD) Absentee: Jason Heath

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any Building Permit Applications which required reviewed or approval by the Planning Board.

Regular Business

Volunteer Committee Updates

- Board Discussion – Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath
- Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake
- Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker
- Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burnham
- Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Payroll

Meeting Minutes

A motion was made to approve as amended, the Meeting Minutes of November 6, 2013, January 15, 2014 and February 5, 2014. The motion was seconded and unanimously approved.

Public Hearing – Central Conomo Point Zoning District Amended Definitive Subdivision Plan

The Applicants/the Board of Selectmen and Town Administrator, Brendhan Zubricki were in attendance. Also in attendance, representing the applicants, was Dave Oulette, Project Engineer, of Horsley & Witten Group, Inc.

The Planning Board Chair, Kim Drake, opened the Public Hearing at 8:00 p.m.

Kim Drake read the Preamble for Public Hearings for the people attending the meeting.

A reporter from the local newspaper, the Gloucester Daily Times, asked the Planning Board if she could record the Public Hearing. She was granted permission by the Board to record.

Brendhan Zubricki, Town Administrator, presented the Amended Plan to the Planning Board. Brendhan explained the Applicants have chosen to amend the Definitive Subdivision Plan submitted in the fall of 2013 so that the amended plan would not include any of the lots/dwellings located on Robins Island Road. He further explained that the reasoning behind the decision to submit an amended plan was due to a lot line dispute between the Applicants and Mr. Shia of Robins Island Road and until the dispute is rectified the lots on Robins Island Road had been excluded on the amended plan and would be addressed in the future.

Board Member Westley Burnham asked Brendhan if there would be a Road Maintenance Agreement.

Brendhan stated that the roads would be privately owned, publically maintained roads.

Steven Kelly, 97 Conomo Point Road, mentioned a particular lot in the proposed subdivision (Assessor's Map 19, Lot 100) and asked if it will be built upon.

Brendhan stated that this plan only shows how the property would be subdivided and the outcome of the lots would be decided by the citizens of Essex at a Town Meeting.

Paul Pennoyer, 57 Grove Street, asked about public parking. He suggested the lot located at Assessor's Map 19, Lot 95 would be an excellent lot for public parking.

Kim explained that the Zoning Bylaw specifically states that the approved Zoning Bylaw explains that the current zoning allows existing year round dwellings to be grandfathered for the current occupants, but will not allow any year round use in the Central Conomo Point Zoning District upon sale of lots to new occupants after the properties transfer. (Town of Essex Bylaw Chapter 6, Section 12)

Steven Kelly, 97 Conomo Point Road, asked which lots would be year-round.

Kim explained that the approved Zoning Bylaw specifically states that existing year-round dwellings are grandfathered for the current occupants, but the Zoning Bylaw will not allow any year-round use in the Central Conomo Point Zoning District upon the sale of lots to new occupants after the properties transfer. (Town of Essex Bylaw Chapter 6, Section 12)

Brendhan Zubricki read for the public that the dwellings located on lots 97, 102, and 99 currently have year-round use.

There were no further comments from the Planning Board or other people attending the meeting.

WB: I move that we close the Public Hearing for the Central Conomo Point Zoning District Amended Definitive Subdivision Plan.

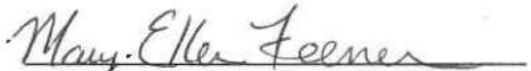
The motion was seconded and approved unanimously.

A motion was made to adjourn the meeting at 8:30 p.m. The motion was seconded and approved unanimously.

The next Meeting is scheduled for March 19, 2014 at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:

Attested to:


Mary-Elle L. Feener, Administrative Assistant


Corey Jackson, Planning Board Clerk

Town of Essex Planning Board Draft Agenda - February 19, 2014

Public Meeting to be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

8:00 p.m. Informal Discussion - Garden Remedies Inc. regarding 197 Western Avenue

Regular Business

- ❖ Correspondence
- ❖ Payroll & Invoices
- ❖ Meeting Minutes
- ❖ Board Discussion - Central Conomo Point Zoning District Definitive Plan Decision
- ❖ Board Discussion - Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion - Conomo Point Committee Update
- ❖ Board Discussion - Long Term Planning Committee Update
- ❖ Board Discussion - Public Hearing for CCPZD Definitive Plan Application on March 5, 2014
- ❖ Board Discussion - Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Town Meeting 2014 - Will the Board submit new Warrant Articles; Board discussion regarding timeframe to hold Public Hearings etc.
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion - New Business
- ❖ Board Discussion - Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on March 5, 2014, at the Essex Fire House Meeting Room, 24 Martin Street, Essex MA.

DUE TO THE FACT THERE WASN'T A QUORUM OF PLANNING BOARD MEMBERS PRESENT THE MEETING COULD NOT BE HELD. THE NEXT REGULARLY SCHEDULED MEETING WILL BE ON MARCH 5, 2014 AT THE ESSEX FIRE HOUSE MEETING ROOM, 24 MARTIN STREET, ESSEX MA.

Town of Essex Planning Board Draft Agenda - February 5, 2014

Public Meeting to be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

8:00 p.m. Informal Discussion with Town of Essex Board of Selectmen

Regular Business

- ❖ Correspondence
- ❖ Payroll & Invoices
- ❖ Meeting Minutes
- ❖ Board Discussion - Central Conomo Point Zoning District Definitive Plan Decision
- ❖ Board Discussion - Centennial Grove Committee
- ❖ Board Discussion - Community Preservation Committee
- ❖ Board Discussion - Building Committee Update
- ❖ Board Discussion - Conomo Point Committee Update
- ❖ Board Discussion - Long Term Planning Committee Update
- ❖ Board Discussion - Potential upcoming projects for the Planning Board
- ❖ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ❖ Town Meeting 2014 - Will the Board submit new Warrant Articles; Board discussion regarding timeframe to hold Public Hearings etc.
- ❖ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ❖ Updates from the Chair
- ❖ Board Discussion - New Business
- ❖ Board Discussion - Old Business

Meeting to Adjourn

The next Meeting of the Town of Essex Planning Board will be held on February 19, 2014

Meeting Minutes - Town of Essex Planning Board – February 5, 2014

The Meeting was called to order at 7:32 p.m. by Chair, Kim Drake and was held at the T.O.H.P. Burnham Library.

Attendees: Kim Drake (KD), Jason Heath (JH), Skip Crocker (SC) , William French (WF), Dexter Doane (DD), Westley Burnham (WB) - Absentee: Corey Jackson

Building Inspector: Bill Sanborn (BS) – Administrative Assistant: Mary-Ellen L. Feener (MF)

Building Inspector's Report

The Building Inspector did not have any building permit applications which required reviewed or approval by the Planning Board.

Regular Business

Meeting Minutes

The Board reviewed MGL 40A Section 3 – Regarding Zoning Regulation Exemptions

The Board discussed the potential Floodplain Warrant Article for Town Meeting 2014 to be presented by the Planning Board

Correspondence:

- 23, 25, 27 Centennial Grove Road. The Board discussed an email sent to the Planning Board Office by Attorney Donald Greenough
 - Attorney Greenough's email asked for a status update for the property located at 23, 25, 27 Centennial Grove Road owned by Keith and Faith Symmes.
 - The Board reviewed and discussed what the Symmes have requested to do with their property which is to separate four lots as an ANR Application and Plan. Currently there three dwellings which were originally built on one lot. The Board agreed the current dwellings if separated as being on individual lots must meet the current Zoning Requirements.
 - The Board discussed the fact that the Symmes had made improvements on the portion of the road which they own and also completed the tasks required by the Board of Selectmen if they were to be able to have an easement over land owned by the Town.
 - The Board discussed the different options under Zoning as to how and if the Symmes would be able to separate the lots.
 - The Board conducted a straw poll and the majority of Board Members present agreed that an ANR Application and Plan would be sufficient.

WB stated that the amended plan was showing a substantial change and he believed a Public Hearing without refilling would be required.

A straw poll of the Planning Board Members present was conducted and the Majority of the Board Members Present agreed an amended plan would be acceptable and that the Public Hearing should be reopened but the Applicants did not need to file a new application with the Town Clerk.

WB: I move we agree to a continuance fo the Central Conomo Point Zoning District Definitive Subdivision Plan Application to April 2, 2014.

The motion was seconded and approved by the Board Members present.

WB: I move we accept the revised plan for the CCPZD Definitive Subdivision Plan and schedule a Public Hearing to be reopened on March 5, 2014, 8 p.m., at a location to be determined.

The motion was seconded and approved by the Board Members present.

A motion was made to adjourn the meeting at 8:23p.m. The motion was seconded and approved by the Board Members present.

The next Meeting is scheduled for February 19, 2014 to be held at the T.O.H.P. Burnham Library and will commence at 7:30 p.m.

Presented by:


Mary-Elle L. Feener, Administrative Assistant

Attested to:


Corey Jackson, Planning Board Clerk

Draft Agenda – January 15, 2014
Town of Essex Planning Board

To be held at the T.O.H.P. Burnham Library, 30 Martin Street, Essex MA

7:30 p.m. Building Inspector's Report or Regular Business

Regular Business

- ✓ Correspondence
- ✓ Payroll & Invoices
- ✓ Meeting Minutes
- ✓ Board Discussion – Central Conomo Point Zoning District Definitive Plan Decision
- ✓ Updates from the Vice Chair
- ✓ Board Discussion – Centennial Grove Committee
- ✓ Board Discussion - Community Preservation Committee
- ✓ Board Discussion - Building Committee Update
- ✓ Board Discussion – Conomo Point Committee Update
- ✓ Board Discussion – Long Term Planning Committee Update
- ✓ Board Discussion – Potential upcoming projects for the Planning Board
- ✓ Items that could not be reasonably anticipated by the Chair within 48 hours of the Meeting.
- ✓ Town Meeting 2014 – Will the Board submit new Warrant Articles; Board discussion regarding timeframe to hold Public Hearings etc.
- ✓ Planning Board review of any new applications. Following the review of an application the next step may be that the Board will schedule a review or a Public Hearing to be held during a meeting of the Planning Board. The time and location will be properly posted
- ✓ Board Discussion – New Business
- ✓ Board Discussion – Old Business

Meeting to Adjourn

The next Regularly Scheduled Meeting of the Town of Essex Planning Board will be held on
February 5, 2014 at the T.O.H.P. Burnham Library

Town of Essex Planning Board Meeting Minutes- January 15, 2014

The meeting was called to order by Chair, Kim Drake, at 7:30 p.m. and was held at the T.O.H.P. Burnham Library.

Attendees: Jason Heath (JH), Westely Burnham (WB), Dexter Doane (DD), Kimberly Drake (KD), Corey Jackson (CJ), Skip Crocker - Absentees: William French

Building Inspector: Bill Sanborn - Administrative Assistant: Mary-Ellen Feener

Building Inspector's Report

15 Lufkin Point Road - Lisa Lambert & Joan Kitsis - Map 20, Lot 28

BS: This application is for the siting of a new single family home. At a past meeting the Planning Board asked if a Driveway Maintenance Agreement had been recorded with the Registry of Deeds and it has been recorded. I, had also requested that the Site Plan show the lot frontage and it has been revised.

(Note: Maintenance Agreement was recorded on November 26, 2013. The Definitive Subdivision Plan Decision dated June 4, 2007 was Recorded with the Essex South Registry of Deeds on August 17, 2007.)

The Board reviewed the plan. The Board asked the height of the new building.

BS: The height is thirty one feet to the ridge and it will be 2,200 square feet. The application has the approval of the Con. Com., BOH, 911/Fire Department, and for the curb cut from the DPW.

CJ: I make a motion we approve the siting of the building finding it meets the minimum requirements of the Town of Essex Bylaws and has the required approvals.

The motion was seconded and approved by the Board Members present.

104 John Wise Avenue - Nancy and Frienden - Map 17, Lot 16

BS: This application is for an existing foundation. Bill Holton (Assistant Building Inspector) was driving around town doing permit inspections and he noticed that the owners had a new foundation. There wasn't a Building Permit Application on file. The Board of Health did approve the septic design in October 2013. This application is for the foundation only. The application has the approval of 911/Fire Department, Wastewater/DPW, and the BOH.

There wasn't a site plan accompanying the Building Permit Application. The Planning Board Members unanimously agreed that the Board could not approve the Building Permit Application without a site plan.

Regular Business

Meeting Minutes

A motion was made to approve the Meeting Minutes of November 20, 2013, as amended. The motion was seconded and approved by the majority of Board Members present.

A motion was made to approve the Meeting Minutes of December 4, 2013, as amended. The motion was seconded and approved by the majority of Board Members present.

Payroll

Annual Report

The Board read the annual report prepared by the Administrative Assistant. The Board made suggested edits which the A.A. will complete and then deliver to the Town Administrator's Office.

A motion was made to approve the Annual Report as amended. The motion was seconded and approved by the Board Members present.

Volunteer Committees

Board Discussion – Centennial Grove Committee Update was provided by Volunteer Committee Member, Jason Heath

Board Discussion - Community Preservation Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Long Term Planning Committee Update was provided by Volunteer Committee Member, Skip Crocker. Skip shared a chart which was done by the LTPC illustrating what the Committee decided are zoning topics which should be addressed.

Board Discussion - Building Committee Update was provided by Volunteer Committee Member, Westley Burham

Board Discussion – Conomo Point Planning Committee Update was provided by Volunteer Committee Member, Kimberly Drake

Correspondence

Central Conomo Point Zoning District Definitive Subdivision Plan

The Planning Board received a written request from the Applicants/The Town of Essex Board of Selectmen regarding the Central Conomo Point Definitive Subdivision Plan Application. The Memo was dated January 8, 2014. The Selectmen requested a continuance of the Central Conomo Point Definitive Subdivision Plan Application Review until February 5, 2014. The Memo from the Selectmen asking for the continuance also stated the Selectmen are, "contemplating amending the Central Conomo Point subdivision to include those eight properties on the original subdivision plan that abut Beach Circle (Map 19, Lots 95-102) and the ways servicing these properties, including Beach Circle and that portion of Conomo Point Road between the end of the southern subdivision and Lot 95 (all as shown on the original plan)."

The Planning Board agreed to an extension and the Members present agreed that if the plan was extensively modified a new Public Hearing would be required. It was decided that the A.A. would draft a Memo in response to the Selectmen's request, the Chair would review the Memo and the Memo would be hand delivered to the Applicants and the Town Clerk.

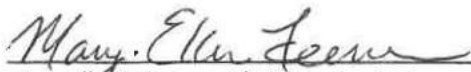
WB: I move we accept the request of the Applicants, The Board of Selectmen, for continuance of the Central Conomo Point Definitive Subdivision Plan Application Review until February 5, 2014.

The motion was seconded and approved by the Board Members present.

A motion was made to adjourn the meeting at 9:45 p.m. The motion was seconded and approved by the Board Members present.

The next Meeting is scheduled for February 5, 2014 at the T.O.H.P. Burnham Library to commence at 7:30 p.m.

Presented by:



Mary-Elle L. Feener, Administrative Assistant

Attested to:



Corey Jackson, Planning Board Clerk

There was not a Meeting on the first Wednesday of the Month due to the Meeting Date fell on January 1, 2014.