

## **Town of Essex Planning Board Meeting Minutes –December 16, 2020**

**The Public Meeting of the Town of Essex Planning Board is to be held at the Essex Town Hall 2nd Floor Auditorium, 30 Martin Street, Essex, MA 01929 and will commence at 7:30 p.m.**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at [www.essexma.org](http://www.essexma.org). For this meeting, members of the public who wish to listen to and/or view the meeting may do so via Video Call (with the option to show yourself on video or not and with the option to use a phone to call in, for audio-only). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so using the tools discussed below, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting

### **The link you must follow to get to the video conference is:**

<https://join.freeconferencecall.com/pbessex> , and, if prompted, the on-line meeting ID is pbessex. Depending on your device and software installed, you may be able to join directly, by web browser, or, you may have to download the application directly (you will be shown that choice when you go to the above link). You should be joined in mute mode. However, if that is not the case, please click on the audio icon to mute your microphone. You can choose to activate your camera to show yourself, or not. The camera should be off, by default, when you join.

If you do not have a digital device to join via the link above, you can also dial a telephone number and be directly connected to the meeting, via audio only. The call-in-only number is: (425) 436-6352 and the access code is 1729820.

**In the event that the video conferencing system fails for some reason, the meeting will be broadcast on a different conference call line, accessed by telephone only, as follows: 717-275-8940. The access code is: 8378315. PLEASE DO NOT USE THIS BACKUP PROTOCOL UNLESS THE METHODS IN THE TWO PRECEDING PARAGRAPHS ARE NOT WORKING (NOT YOU JUST HAVING TROUBLE CONNECTING), SINCE THE BOARD WILL NOT BE MOVING TO THIS ALTERNATIVE NUMBER UNLESS THE PLATFORM FAILS FOR THE BOARD.**

At 7:30 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell,

**Board Members participating remotely:** Kim Drake, Lisa O'Donnell

**Board Members absent:** William French, Matt Greco, S. Sturgis Crocker

**Administrative Assistant:** Mary Heeney (present)

**BUILDING INSPECTOR'S REPORT:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

**BOARD REVIEW / DISCUSSION:**

**117R Eastern Avenue, Map 137-029 –Estate of Charles Symonds**

Attending remotely - John Judd, Gateway Consultants, representing 117R Eastern Ave.

There were two applications presented:

- An ANR plan was presented to add parcel B (492 S.F.) to 117R Eastern Ave. to create a 60,000 S.F. parcel.
- Site Plan Review for proposed construction of a residential duplex and a 4000 S.F. contractor garage.

The Chair reviewed the ANR stating that the plan showed a small wedge of land, parcel B (492 S.F.), to be added to 117R to create 60,000 S.F. The application was signed by the owner, Peter Cheever, and two personal representatives.

Michael McConnell made a motion to <sup>*Endorse*</sup> approve the ANR plan for 117R Eastern Ave. to add "parcel B" (492 S.F.) to 117R Eastern Ave. to create a 60,000 S.F. parcel.

Kim Drake seconded the motion.

The roll call was as follows:

Lisa O'Donnell	Aye
Kim Drake	Aye
Michael McConnell	Aye
Westley Burnham	Aye

The Site Plan Review for proposed construction of a residential duplex and a 4000 S.F. contractor garage was reviewed.

The plan showed that both of the residential duplex buildings tied into the sewer. The Chair informed John Judd that only one building could be tied into the sewer, the other would have to be on septic. Mr. Judd asked if there was a way to have the buildings connected to be on the sewer. The Chair explained that no additional land parcels or buildings would be allowed to tie into the sewer. Mr. Judd also asked if the commercial building could be on the septic. The Chair advised him to discuss that with the Building Inspector. The Chair advised Mr. Judd that he would also need to speak further with the DPW.

The Chair recommended to Mr. Judd that the Site Plan Review be withdrawn, primarily for the sewer situation. Mr. Judd withdrew the Site Plan Review.

The Chair asked for a motion to allow him to sign the approved ANR plan for 117R in lieu of those board members attending remotely.

Michael McConnell made a motion to approve the Chair to sign the plan. Lisa O'Donnell seconded the motion. The roll call was as follows:

Kim Drake	Aye
Lisa O'Donnell	Aye
Michael McConnell	Aye
Westley Burnham	Aye

#### **Board review of Meeting Minutes:**

The Board reviewed the Meeting Minutes from December 2, 2020.

Lisa O'Donnell made a motion to approve the minutes of December 2, 2020 as written. Kim Drake seconded the motion.

The roll call was as follows:

Michael McConnell	Aye
Kim Drake	Aye
Lisa O'Donnell	Aye
Westley Burnham	Aye

#### **Adjourn:**

Michael McConnell made a motion to adjourn the meeting

Lisa O'Donnell seconded the motion

The motion was unanimously approved by the Board Members

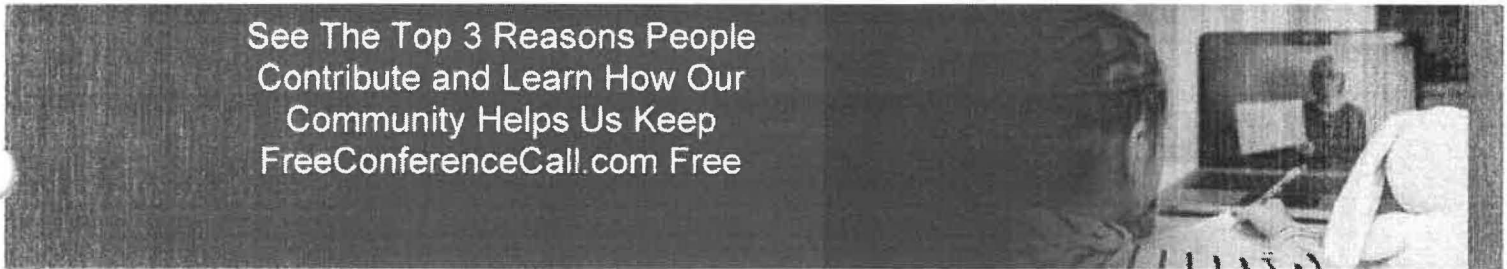
The Chair declared the Meeting adjourned at 8:10 PM.

Mary Heenev

*Meeting 12/16/2020*

**From:** Lisa O'Donnell <lisatheengineer@comcast.net>  
**Sent:** Wednesday, December 16, 2020 8:48 PM  
**To:** Mary Heenev; Westley Burnham  
**Subject:** Fwd: FreeConferenceCall.com Detail Report

----- Original Message -----  
From: FreeConferenceCall Services <noreply@freeconferencecall.com>  
To: lisatheengineer@comcast.net  
Date: 12/16/2020 8:36 PM  
Subject: FreeConferenceCall.com Detail Report



## Account Information

**Date:** December 16, 2020 7:25:23 PM  
**Dial-in number:** (720) 740-9730  
**Access code:** 3590973  
**Account:** #s15522117

## Audio

Caller	Service Type	Start Time	End Time
Wes - w_burnham@comcast.net		7:25:23 PM	8:11:22 PM
Kim Drake - drakekr@cdmsmith.com		7:25:34 PM	7:34:07 PM








Kim Drake - drakekr@cdmsmith.com		7:34:20 PM	8:14:54 PM
John Judd - +1 267 786 5254		7:35:26 PM	8:06:18 PM
Lisa O'Donnell - lisatheengineer@comcast.net		7:46:39 PM	8:14:55 PM

**Number of attendees:** 5  
**VoIP minutes:** 156m

Note: All times in E

## Online Meeting

Caller	Service Type	Duration
	Screen Sharing	Video
Wes - w_burnham@comcast.net		46
Kim Drake - drakekr@cdmsmith.com		9r
lisatheengineer@comcast.net - lisatheengineer@comcast.net		6r
Kim Drake - drakekr@cdmsmith.com		41
John Judd - +1 267 786 5254		31
lisatheengineer@comcast.net - lisatheengineer@comcast.net		3r
Lisa O'Donnell - lisatheengineer@comcast.net		29

**Number of attendees:** 7

**Video minutes:** 165m      **Screen sharing minutes:** 0m

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P O Box 41069 Long Beach, CA 90853

## **Town of Essex Planning Board Meeting Minutes –December 2, 2020**

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At 7:30 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell,

**Board Members participating remotely:** Kim Drake, Lisa O'Donnell, Matt Greco, S. Sturgis Crocker

**Board Members absent:** William French

**Administrative Assistant:** Mary Heeney (present)

**BUILDING INSPECTOR'S REPORT:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

**BOARD REVIEW / DISCUSSION:**

8 Turtleback Road, Map 147-003  
Attending Heidi McKeon, homeowner  
Peter Ross, attorney

Application and plan for an ANR at 8 Turtleback Road. The Chair reviewed the history of the property with the board and those in attendance. The original property was two lots #22 & 23. At a later date, the board approved the two lots to be combined as one.

The Chair informed that there was enough frontage and area required for a residential lot. The property also has a common driveway. The Chair asked about utilities and septic system. The homeowner said that she would be working with a lawyer on these issues.

The Chair asked if there were any questions or comments. There were no questions or comments.

Michael McConnell made a motion to endorse the ANR for Heidi McKeon of 8 Turtleback Road stating that it met all the necessary requirements of the Town of Essex bylaws.

S. Sturgis Crocker seconded the motion.

The roll call was as follows:

Westley Burnham	Aye
Lisa O'Donnell	Aye
Kim Drake	Aye
Michael McConnell	Aye
Matt Greco	Aye
S.Sturgis Crocker	Aye

The Chair asked for a motion to allow him to sign the approved plan for 8 Turtleback Road in lieu of those board members attending remotely.

Michael McConnell made a motion to approve the Chair to sign the plan. Lisa O'Donnell seconded the motion. The roll call was as follows:

S. Sturgis Crocker	Aye
Kim Drake	Aye
Matt Greco	Aye
Lisa O'Donnell	Aye
Michael McConnell	Aye
Westley Burnham	Aye

**Board review of Meeting Minutes:**

The Board reviewed the Meeting Minutes from November 18, 2020.

Michael McConnell made a motion to approve the minutes of November 18 as written. Lisa O' Donnell seconded the motion.

The roll call was as follows:

Michael McConnell	Aye
Kim Drake	Aye
Matt Greco	Aye
Lisa O'Donnell	Aye
Westley Burnham	Aye
S.Sturgis Crocker	Aye

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting

S. Sturgis Crocker seconded the motion

The motion was unanimously approved by the Board Members

The Chair declared the Meeting adjourned at 7.52 PM.

Stay well!

*Meeting 12/2/2020*

----- Original Message -----

From: FreeConferenceCall Services <[noreply@freeconferencecall.com](mailto:noreply@freeconferencecall.com)>

To: [lisatheengineer@comcast.net](mailto:lisatheengineer@comcast.net)

Date: 12/02/2020 8:25 PM

Subject: FreeConferenceCall.com Detail Report



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## Account Information

**Date:** December 2, 2020 6:55:43 PM

**Dial-in number:**  (720) 740-9730

**Access code:** 3590973

**Account:** #s15522117

## Audio

Caller	Service Type	Start Time	End Time
Skip Crocker - <a href="mailto:skip@crockersboatyard.com">skip@crockersboatyard.com</a>	<input type="checkbox"/>	6:55:43 PM	7:53:08 PM
Lisa O'Donnell - <a href="mailto:lisatheengineer@comcast.net">lisatheengineer@comcast.net</a>	<input type="checkbox"/>	7:20:15 PM	7:53:29 PM
Kim Drake - <a href="mailto:drakekr@cdmsmith.com">drakekr@cdmsmith.com</a>	<input type="checkbox"/>	7:28:07 PM	7:31:00 PM
Matt - <a href="mailto:grecom1@yahoo.com">grecom1@yahoo.com</a>	<input type="checkbox"/>	7:29:54 PM	7:53:10 PM
Kim Drake - <a href="mailto:drakekr@cdmsmith.com">drakekr@cdmsmith.com</a>	<input type="checkbox"/>	7:30:08 PM	7:53:23 PM
Wes - <a href="mailto:w_burnham@comcast.net">w_burnham@comcast.net</a>	<input type="checkbox"/>	7:31:46 PM	8:20:47 PM

Number of attendees: 6  
 VoIP minutes: 188m

Note: All times i

## Online Meeting

Caller	Service Type	Duration	Screen Sharing	Vic
Skip Crocker - <a href="mailto:skip@crockersboatyard.com">skip@crockersboatyard.com</a>	<input type="checkbox"/>			
Lisa O'Donnell - <a href="mailto:lisatheengineer@comcast.net">lisatheengineer@comcast.net</a>	<input type="checkbox"/>			
Kim Drake - <a href="mailto:drakekr@cdmsmith.com">drakekr@cdmsmith.com</a>	<input type="checkbox"/>			
Matt - <a href="mailto:grecom1@yahoo.com">grecom1@yahoo.com</a>	<input type="checkbox"/>			
Kim Drake - <a href="mailto:drakekr@cdmsmith.com">drakekr@cdmsmith.com</a>	<input type="checkbox"/>			
Wes - <a href="mailto:w_burnham@comcast.net">w_burnham@comcast.net</a>	<input type="checkbox"/>			

Number of attendees: 6

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At 7:30 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, William French

**Board Members participating remotely:** Kim Drake, Lisa O'Donnell

**Board Members absent:** Matt Greco, S. Sturgis Crocker

**Administrative Assistant:** Mary Heeney (present)

**Attendees:**

- Town Hall-Ruth & David Pereen
- Remotely-Remko Breuker, Architect "O" (64) Spring Street
- Remotely-Fred Little, Owner "O" (64) Spring Street
- Remotely – A number of residents were present for a discussion of bylaw changes relative to cell towers.

**BUILDING INSPECTOR'S REPORT:**

**117 Western Avenue —142-038 – Joy Ross Trust**

Building Permit application for the new construction of a pre-fab, two family home on a non-conforming, grandfathered lot. The frontage is 75 feet. Lot size is 18,530 sq. ft. The Building Inspector informed the board that it meets all the required setbacks and has all the necessary approvals. Michael McConnell made a motion to approve the siting of a new building on a non-conforming, grandfathered lot at 117 Western Avenue finding it meets all the required setbacks and has all the necessary approvals.

William French seconded the motion.

The roll call was as follows:

Lisa O'Donnell	Aye
Kim Drake	Abstain
Michael McConnell	Aye
William French	Aye
Westley Burnham	Aye

**211 Western Avenue – 144-054 – Karin Gitto**

Application for change of use from a single family to a two family by adding an in-law apartment. The Building Inspector stated that it meets all the setback requirements.

Michael McConnell made a motion to approve the change of use at 211 Western Avenue from a single family to a two family dwelling. William French seconded the motion.



The roll call was as follows:

Kim Drake	Aye
Lisa O'Donnell	Abstain
Michael McConnell	Aye
William French	Aye
Westley Burnham	Aye

**"0" (64) Spring Street – 121-001**

Review of draft decision to approve the modification to a Definite Subdivision Plan which was originally approved on Nov. 7, 1984 for "0" (64) Spring Street.

The Chair reviewed, with the Board, the decision, based on the testimony and information submitted to the Planning Board. He also reviewed the waivers that were requested, from the Town of Essex Subdivision regulations, and approved by the Essex Planning Board.

There was discussion between the Chair and Kim Drake on whether the plans should be filed with the Registry of Deeds. The Chair asked Remko Breuker if there were going to be posts to delineate property lines. Mr. Breuker replied he does not believe that they are needed. Mr. Breuker requested an email from the Planning Board with the information on the billing of the Civil Engineer.

The Chair asked if there were any questions or comments. There were no questions or comments.

The Chair then asked for a vote on the application for a modification of a previously approved definitive subdivision plan at "0" (64) Spring Street in accordance with draft approval with dates to be added. The Chair also explained to Mr. Breuker the 20 day appeals process.

The roll call was as follows:

Kim Drake	Aye
Michael McConnell	Aye
William French	Aye
Lisa O'Donnell	Aye
Westley Burnham	Aye

**Shelly Bradbury-Discussion on proposed bylaw changes relative to cell towers.**

Shelly Bradbury requested the opportunity to hear the opinions of all the board members on the proposed bylaw changes that have been presented to the Planning Board for cell towers.

The board voiced their opinions as follows:

Westley Burnham—Does not approve of the proposed bylaw changes for cell towers.

William French—Is comfortable with the existing bylaw and believes it is in the hands of the FCC, not the town.

Michael McConnell—Feels that the current bylaws are adequate and any requests will be handled through the Special Permit process.

Kim Drake—In regard to a proposed bylaw change to the height of a cell tower, the change is arbitrary. And, does not believe that the Planning Board should be a watchdog for the FCC. Also, the bylaw as it stands is adequate.

Lisa O'Donnell—Stated that she is new, still learning, and trying to understand the process. Lisa proposed that she would be willing to sit down with Shelly Bradbury and review the current bylaws and the proposed changes that have been suggested and to go over the concerns of the town's citizens. Kim Drake offered to work with Lisa.

The Chair informed those in attendance that it is their right to have their concerns placed on the Town Meeting warrant by citizen's petition.

Kim Drake added that the Planning Board would have a Public Hearing before a town meeting so that all interested parties can be heard.

Kathy Pennoyer said that she feels that the Planning Board is not making information available to the public in advance.

Kim Drake replied that the Planning Board has not received an application for a cell tower, so there is no information to give in advance.

Lisa O'Donnell restated that she would be willing to review the requests as presented by Shelly Bradbury & Kathleen Pennoyer.

#### **Board review of Meeting Minutes:**

The Board reviewed the Meeting Minutes from the November 4, 2020.

Kim Drake made a motion to approve the minutes as amended. Lisa O' Donnell seconded the motion.

The roll call was as follows:

Michael McConnell	Aye
Kim Drake	Aye
William French	Aye
Lisa O'Donnell	Aye
Westley Burnham	Aye

#### **Adjourn:**

Michael McConnell made a motion to adjourn the meeting

William French seconded the motion

The motion was unanimously approved by the Board Members

The Chair declared the Meeting adjourned at 9:30 PM.

Meeting 11/18/2020

**Mary Heeney**

---

**From:** Lisa O'Donnell <lisatheengineer@comcast.net>  
**Sent:** Thursday, November 19, 2020 6:49 AM  
**To:** Westley Burnham; Mary Heeney  
**Subject:** Fwd: FreeConferenceCall.com Detail Report

Wes, Mary -

I guess somehow I'm the admin on this service since I set it up a while back.... But I thought it started with you guys at TH?

Anyway, here's some info on the call - not sure if you got this or not, but figured I'd pass it along.

Thanks,  
Lisa

----- Original Message -----


**From:** FreeConferenceCall Services <noreply@freeconferencecall.com>  
**To:** lisatheengineer@comcast.net  
**Date:** 11/18/2020 10:30 PM  
**Subject:** FreeConferenceCall.com Detail Report

































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## Account Information

**Date:** November 18, 2020 6:57:37 PM  
**Dial-in number:**  (720) 740-9730  
**Access code:** 3590973  
**Account:** #s15522117

# Audio

Caller	Service Type	Start Time	End Time
Shelly Bradbury - shellybradbury@mac.com		6:57:37 PM	7:56:45 PM
lisatheengineer@comcast.net <b>Host</b>		7:06:24 PM	9:30:16 PM
Wes - w_burnham@comcast.net		7:19:34 PM	9:21:57 PM
Meg - +1 267 652 9106		7:25:44 PM	9:19:08 PM
Gil Frieden - +1 267 681 6040		7:28:15 PM	9:21:48 PM
Kim Drake - drakekr@cdmsmith.com		7:29:25 PM	7:43:54 PM
rbreuker@verizon.net		7:29:34 PM	8:45:26 PM
karin - kmgertsch@gmail.com		7:31:19 PM	9:18:56 PM
Claudia and Fred Little - clordonez45@gmail.com		7:32:39 PM	8:44:09 PM
leslie - leslieburns@verizon.net		7:32:54 PM	7:46:10 PM
Ingrid - ingrid.renzi@gmail.com		7:38:36 PM	9:19:02 PM
jack gale - jgaleessex@yahoo.com		7:39:30 PM	10:28:37 PM
+1 978 869 3368 - WARNER DAVID C	 	7:43:57 PM	9:28:43 PM
Kim Drake - drakekr@cdmsmith.com		7:44:00 PM	8:30:07 PM
annon - dianavr5@yahoo.com		7:44:34 PM	9:30:35 PM
leslie - leslieburns@verizon.net		7:46:24 PM	7:58:24 PM
ALISON TAYLOR - +1 978 836 1129		7:49:13 PM	9:19:18 PM
+1 978 479 8388 - DAVE WARNER	 	7:50:26 PM	7:50:53 PM
Kathleen Pennoyer - pennoyerk@yahoo.com		7:56:15 PM	9:19:03 PM
Leslie - leslieburns@verizon.net		7:58:01 PM	8:14:12 PM
Shelly Bradbury - shellybradbury@mac.com		7:59:48 PM	9:18:51 PM
pbsex - wfebiger@gmail.com		8:04:37 PM	9:22:32 PM
leslie - leslieburns@verizon.net		8:13:44 PM	9:04:02 PM
derek brown - derekbrownbuild@gmail.com		8:25:37 PM	8:28:51 PM
Kim Drake - drakekr@cdmsmith.com		8:30:13 PM	8:44:46 PM
Kim Drake - drakekr@cdmsmith.com		8:44:52 PM	9:27:27 PM
leslie - leslieburns@verizon.net		9:03:31 PM	9:18:54 PM
Marc - +1 267 681 9439		9:10:29 PM	9:22:44 PM

wes - w\_Burnham@comcast.net



9:22:41 PM

9:30:09 PM

Kim, Drake - drakekr@cdmsmith.com



9:27:23 PM

9:30:22 PM













**Number of attendees:** 30

Note: All times in E:

**Toll minutes:** 106m      **VoIP minutes:** 1,759m

## Online Meeting

Caller	Service Type	Duration	
		Screen Sharing	Video
Shelly Bradbury - shellybradbury@mac.com			37r
lisatheengineer@comcast.net <b>Host</b>			130
Wes - w_burnham@comcast.net			122
Meg - +1 267 652 9106			114
Gil Frieden - +1 267 681 6040			114
Kim Drake - drakekr@cdmsmith.com			15r
rbreuker@verizon.net			76r
karin - kmgertsch@gmail.com			108
Claudia and Fred Little - clordonez45@gmail.com			72r
leslie - leslieburns@verizon.net			14r
Ingrid - ingrid.renzi@gmail.com			101
jack gale - jgaleessex@yahoo.com			111
Kim Drake - drakekr@cdmsmith.com			47r
annon - dianavr5@yahoo.com			106
ataylor45@gmail.com			3m
leslie - leslieburns@verizon.net			12r

ataylor45@gmail.com		2m
Kathleen Pennoyer - pennoyerk@yahoo.com		83r
Leslie - leslieburns@verizon.net		17r
Shelly Bradbury - shellybradbury@mac.com		80r
pbsessex - wfebiger@gmail.com		78r
leslie - leslieburns@verizon.net		51r
derek brown - derekbrownbuild@gmail.com		4m
Kim Drake - drakekr@cdmsmith.com		15r
Kim Drake - drakekr@cdmsmith.com		43r
leslie - leslieburns@verizon.net		16r
Marc - +1 267 681 9439		13r
wes - w_Burnham@comcast.net		8m
Kim Drake - drakekr@cdmsmith.com		3m

**Number of attendees:** 29


**Video minutes:** 1,595m      **Screen sharing minutes:** 0m

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## **Town of Essex Planning Board Meeting Minutes –November 4, 2020**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:

**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:30 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Lisa O’Donnell, William French

**Board Members participating remotely:** Matt Greco, S. Sturgis Crocker, Kim Drake

**Administrative Assistant:** Mary Heeney (present)

### Attendees:

- Ruth & David Pereen
- Remotely --Bob Teal, 27 Water Street
- Remotely – John Morin, Civil Engineer ‘O’ (64) Spring Street
- Town Hall - Remko Breuker, Architect “O” (64) Spring Street
- Remotely – A number of residents were present for a discussion of bylaw changes relative to cell towers.

### **BUILDING INSPECTOR’S REPORT:**

#### **97 Conomo Point Road—110-044 -- Jeff Lawler**

Application for demolition of an existing house and building a new dwelling. The Building Inspector informed the board that the demolition permit had been issued. The new building will be 27 feet to the tallest peak. He also said that the application meets all required setbacks, and has the approval of Con Com, Bd. Of Health and Fire Dept.

Lisa O’ Donnell made a motion to approve the siting of a new dwelling at 97 Conomo Point Road stating that it meets all the requirements of the Town of Essex bylaws.

Michael McConnell seconded the motion.

The roll call was as follows:

Matt Greco	Aye
Kim Drake	Aye
Westley Burnham	Aye
Lisa O’Donnell	Aye
Michael McConnell	Aye
William French	Aye
S. Sturgis Crocker	Aye

**35 Water Street—127-009 -- Thomas DeMeo**

Building Permit Application for a 23'x12' one story addition extending off the back left side of the house. The homeowner informed the board that an existing deck and shed would be moved. The board discussed the close proximity of the dwelling to the property line. Kim Drake made an observation that there appeared to be something over the property line and questioned if the dwelling went beyond the line. Tom DeMeo replied that the previous structure was over the property line, but the existing dwelling and addition are about 1-2 feet in from the line.

Bob Teal, 27 Water Street questioned why a non-conforming set back is able to continue and extend a non-conformity. Stating that this is the 2nd time there has been a nonconforming addition. The chair responded that under Massachusetts General Law 40A, Section 6, Town of Essex Bylaw 6-4.2 states "structure or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the planning board that the proposed extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood".

Mr. Teal was also concerned that the water runoff from the house would cause problems. He also cited concerns as to property damage when construction starts. The building Inspector responded that the homeowner is responsible to protect abutters property including landscaping during construction. The building inspector asked the homeowner how the deck and shed that are being moved would be connected to the house. The homeowner replied that there would be a six ft. plank that would be the connection. The inspector also questioned the style of the roof overhang and informed the homeowner that the overhang drainage system cannot go over the property line and that gutters would need to be installed.

Michael McConnell made a motion to approve the one story addition at 35 Water Street under the Town of Essex Bylaw 6-4.2. Existing Non-Conforming Uses. The application has the required department approvals and meets the requirements of the Town of Essex Bylaws.

William French seconded the motion.

The roll call was as follows:

Matt Greco	Aye
Kim Drake	Aye
S. Sturgis Crocker	Aye
Michael McConnell	Aye
William French	Aye
Lisa O'Donnell	Aye
Westley Burnham	Aye

**Continuation of a Public Hearing from meetings of October 7 and October 21, 2020:  
"0" (64) Spring Street**

Relative to the application of Frederick Little for a modification to a previously approved Subdivision Plan for property located at Spring Street.



At 8:15PM the Chair, Westley Burnham declared the Public Hearing open.

The Chair read an email from the Fire Chief that stated the proposed emergency turn around was acceptable as shown on the plan for "0" Spring Street.

John Morin, civil engineer for the project informed the board that he had spoken to the Fire Chief and was able to respond to his concerns. It was agreed that water main and hydrant were not feasible. Also the owners were thinking of sprinklers for the house.

The Chair explained to Remko Breuker that once the Public Hearing is closed no additional changes can be made. He also informed him that he would be drafting a decision that would be presented to the board for approval.

The Chair asked if there were any additional questions or concerns. There were no additional questions or concerns.

Michael McConnell made a motion to close the Public Hearing

Lisa O'Donnell seconded the motion.

The roll call was as follows:

Matt Greco	Aye
S. Sturgis Crocker	Aye
Kim Drake	Aye
Michael McConnell	Aye
William French	Aye
Lisa O'Donnell	Aye
Westley Burnham	Aye

The Chair closed the Public Hearing at 8:30 PM.

### **Shelly Bradbury-Discussion on proposed bylaw changes relative to cell towers.**

Shelly Bradbury introduced Ivan Pagacik, a data engineer from IDK Communications. Mr. Pagacik informed the board of his background and experience as it relates to cell towers.

### **The following are some of the Items discussed:**

- The Town of Essex does not have zoning districts separating industrial & commercial from residential use.
- Location of cell tower
- Questions on town properties that would be available
- Height of cell tower
- The effects on the character of the town
- Responsibilities of the FCC
- Follow up reporting from the cell tower Company
- Special Permit would be required

At the end of discussion, the Chair asked for comments. There were no comments.

**Board review of Meeting Minutes:**

The Board reviewed the Meeting Minutes from the October 21, 2020 meeting as well as the minutes from a Special Meeting on September 30, 2020. Michael McConnell made a motion to approve both the minutes of October 21, and September 30, 2020.. Lisa O'Donnell seconded the motion.

The roll call was as follows:

Matt Greco	Aye
Michael McConnell	Aye
S. Sturgis Crocker	Aye
Kim Drake	Aye
William French	Aye
Lisa O'Donnell	Aye
Westley Burnham	Aye

**Building Committee Update:**

Lisa O'Donnell reported that there had been questions regarding the use of the current safety building after it was vacated. There were several potential possibilities discussed:

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting

Lisa O'Donnell seconded the motion

The motion was unanimously approved by the Board Members

The Chair declared the Meeting adjourned at 9:15 PM.

11/4/2020 - MINUTES

Mary Henney

---

**From:** Lisa O'Donnell <lisatheengineer@comcast.net>  
**Sent:** Wednesday, November 18, 2020 7:20 PM  
**To:** Mary Henney; w\_burnham@comcast.net; DrakeKR@cdmsmith.com; grecom1@yahoo.com; michael.r.mcconnell@outlook.com; william@frenchiesgarage.com; skip@crockersboatyard.com  
**Subject:** Re: Items for meeting 11/18/2020

Hi all,

As a point of information and I will bring this up the meeting (so no discussion happening here....), I'm going to ask to amend the minutes from 11/4 regarding the reuse of the existing public safety building as follows, mainly because I don't want people to get their hopes up for some of the unlikely options, if they are just listed.

Possible use as a Community Center has been suggested by residents, however, the existing structure requires numerous upgrades to be a safe and healthy building, which is why is not being renovated for the Police Department. Therefore, given the tax burden residents already are shouldering, this is an unlikely use.

If the building is demolished, an unheated shed could be erected to house the antique hand tub equipment and showcase this at the site.

The building could be leased to a business.

The property could not be sold, since it is part of a larger parcel under the control of the Board of Public Works and the area between the Coughlin property to the north and Shepard Memorial Drive to the south is not large enough to meet zoning requirements.

The building could be demolished, and the parcel repurposed for some other town use. The demolition money is included in the project budget, although the work has not been either bid or awarded at this point.

It is possible that the Town Building Committee will reconvene when the timing is right to consider possible uses, at the Board of Selectmen's option.

Thanks,  
Lisa

On 11/17/2020 11:32 AM Mary Henney <planningboard@essexma.org> wrote:

Hi all,

I think Wes might have sent some additional emails. If he has anything else, I will send it ASAP.

We will be conducting this meeting via video call using [FreeConferenceCall.com](https://www.freeconferencecall.com). The instructions are on the first page of the agenda.

See you Wednesday.

Mary

## **Town of Essex Planning Board Meeting Minutes –October 21, 2020**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:

**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.  
At 7:35 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Kim Drake, Lisa O’Donnell

**Board Members participating remotely:** Matt Greco

**Board Members absent:** S. Sturgis (Skip) Crocker, William French

**Administrative Assistant:** Mary Heeney (present)

### **Attendees:**

- Remotely – John Morin, Frederick Little, -‘0’ (64) Spring Street
- Town Hall - Remko Breuker, Architect “0” (64) Spring Street
- Remotely -- Betsy Madson

### **BUILDING INSPECTOR’S REPORT:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

### **PUBLIC HEARING:**

#### **“0” Spring Street—121-001**

Wesley Burnham opened the continuation of the Public Hearing for “0” Spring Street at 7: 45 (Continued from October 7, 2020)

**Betsy Madson** – questioned) why the Planning board was having a Public Hearing on “0” Spring Street. Westley Burnham explained that the board is reviewing a modification to the access road off of Spring St. The original plan for the road is dated 1984 and is now inadequate. The board is looking for the upgrades that are required before the plan can be approved.

Westley Burnham informed the board and those in attendance that the applicant had received all the necessary department approvals with the exception of the Fire Dept. The new plan will have to conform to the Fire Department requirements for a turnaround to accommodate the

size of the Fire trucks. There was also discussion on a hydrant along the way, a water supply and a sprinkler system. Remko Breuker stated that he will try to meet with the Fire Chief to resolve the issues at hand.

Westley Burnham stated that the Public Hearing could not be closed until all issues have been resolved.

Kim Drake made a motion to continue the Public Hearing to the 11/4/2020 meeting

Lisa O'Donnell seconded the motion.

The roll call was as follows:

Matt Greco	Aye
Kim Drake	Aye
Westley Burnham	Aye
Lisa O'Donnell	Aye
Michael McConnell	Aye

#### **BOARD REVIEW/DISCUSSION:**

The board discussed the possibility of having Building Permits submitted electronically. Lisa O'Donnell said she would reach out to the Building Inspector and the Town Administrator.

#### **Board review of Meeting Minutes: October 7, 2020:**

Michael McConnell made a motion to approve the minutes of October 7, 2020 as written.

Lisa O'Donnell seconded the motion

The roll call was as follows:

Wes Burnham	Approve
Michael McConnell	Approve
Lisa O'Donnell	Approve
Kim Drake	Approve
Matt Greco	Approve

#### **Committee updates from Board members:**

**Economic Development Committee** – Westley Burnham informed the Board that the committee had completed the final draft of the Economic Development Plan.

**Building Committee** – Lisa O'Donnell stated that the Safety Building construction ~~f~~ was still on schedule. There was discussion on possible additional uses of the Safety Building.

#### **Adjourn:**

Michael McConnell made a motion to adjourn the meeting.

Kim Drake seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 8:20 PM.

The next Meeting of the Town of Essex Planning Board will be held on November 4, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

*If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.*

## **Town of Essex Planning Board Meeting Minutes –October 7, 2020**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:

**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:30 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Kim Drake, William French

**Board Members participating remotely:** Lisa O’Donnell

**Board Members absent:** Matt Greco, S. Sturgis (Skip) Crocker

**Administrative Assistant:** Mary Heeney (present)

### **Attendees:**

- Remotely - Steve Bixby, 21 Turtleback Road 65 Pond
- Remotely - Bob Tyack, 65 Pond Street
- Town Hall - Remko Breuker, Architect “0” Spring Street
- Remotely - John Morin, The Morin-Cameron Group, Inc.,
- Remotely - Claudia Little, Frederick Little – Owners “0” Spring Street

### **BUILDING INSPECTOR’S REPORT:**

#### **88 Pond Street – Map 147-27 –Zachary Bruce**

The Building Inspector presented an application for construction of a single family home with a full foundation. The application had the approval of all the required Departments.

Michael McConnell made a motion to approve the construction of a single family dwelling at 88 Pond Street, finding it has the required approvals and meets the requirements of the Town of Essex Bylaws. Kim Drake seconded the motion.

The roll call was as follows:

Lisa O’Donnell	Aye
Michael McConnell	Aye
William French	Aye
Kim Drake	Aye
Westley Burnham	Aye



**21 Turtleback Road – Map 009-110 – Stephen & Kristen Bixby**

An application for a 24ft. by 30 ft. timber frame barn/garage on slab on grade. Height 26 feet. The plan meets all the necessary setbacks.

Kim Drake made a motion to approve the construction of a timber frame barn/garage stating it meets all the necessary requirements. Michael McConnell seconded the motion.

The roll call was as follows:

Lisa O'Donnell	Aye
Michael McConnell	Aye
William French	Aye
Kim Drake	Aye
Westley Burnham	Aye

**BOARD REVIEW/DISCUSSION:**

**ANR application 65 Pond Street – Map 154-004 –Tyack**

An application for the sale of 1.05 acres located at 65 Pond Street, which is a non-buildable lot, and is intended to be combined with map 5, lot 29. The board reviewed the plan. There were no questions. Kim Drake made a motion to endorse the plan for 65 Pond Street stating it meets all the requirements for an ANR. Michael McConnell seconded the motion.

The roll call was as follows:

Michael McConnell	Aye
William French	Aye
Kim Drake	Aye
Westley Burnham	Aye

The phone connection for Lisa O'Donnell was lost and no vote was recorded for her.

**PUBLIC HEARING:**

**"0" Spring Street—121-001**

Public Hearing relative to the application by Frederick Little for a modification to a previously approved Subdivision Plan located at 0 Spring Street. (*On 9/25/2020 the address was changed to 64 Spring Street*).

Westley Burnham opened the Public Hearing at 8:00 PM.

Remko Breuker presented plans for those in attendance to review. Additionally, plans had been emailed to all board members.

Kim Drake noted that this plan was originally presented in 1984, and at that time the Planning Board voted to approve the plan subject to approval from the concerned Boards and Town Counsel. The plan was reviewed and deemed valid.

At the request of the Chair, Graham Associates, civil engineers, had reviewed the plans for the property located at 64 Spring Street and presented their comments. These comments were also sent to the Morin-Cameron Group, Inc. Based on the comments from Graham Associates, the Morin-Cameron Group made modifications to the plan. At the meeting, all of the comments in the report of Graham Associates were addressed by John Morin. John Morin informed the Board that during the preliminary stages of preparing the design plans, he had reached out to the Fire Department to discuss what requirements they would be looking for. It was also noted that the plans had the approval of Board of Health and Con Com. After reviewing all of the information as presented, the Chair determined that there were still several items that warranted additional discussion and that the Public Hearing should be continued to October 21, 2020.

Michael McConnell made a motion to continue the Public Hearing on 64 Spring Street to October 21, 2020. Kim Drake seconded the motion.

The roll call was as follows:

Lisa O'Donnell	Aye
Michael McConnell	Aye
William French	Aye
Kim Drake	Aye
Westley Burnham	Aye

The Chair informed the board that he will be speaking to Larry Graham concerning the escrow account.

At 8:45 PM, the Chair declared the Public Hearing closed.

**Board review of Meeting Minutes: September 16, 2020:**

Lisa O'Donnell made a motion to approve the minutes of September 16, 2020 as written.

Kim Drake seconded the motion

The roll call was as follows:

Wes Burnham	Approve
Michael McConnell	Approve
Lisa O'Donnell	Approve
Kim Drake	Approve
William French	Approve

**Committee updates from Board members:**

**Economic Development Committee** – Westley Burnham informed the Board that the committee would be meeting on October 20, 2020.

William French asked if the Essex Merchant's Group should be involved in the Downtown Development. Westley Burnham responded that they are involved.

Kim Drake suggested that the Board should have a town forum to state and explain the goals of the Board regarding the Downtown Development.

- Wes Burnham informed the board that the bylaw changes from the 2020 Annual Town Meeting were all approved by the Attorney General.
- The Citizen's Petition for a six month moratorium on the Town's consideration of all cellular towers did not pass at the 2020 Annual Town Meeting

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.

Kim Drake seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 8:55PM.

The next Meeting of the Town of Essex Planning Board will be held on October 21, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

*If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.*

## Town of Essex Planning Board Meeting Minutes –September 30, 2020

### **Special Meeting on Proposed Article to be placed on the Warrant by Citizens Petition to be considered at Town Meeting 10/3/2020.**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex's Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:

**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:30 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Lisa O' Donnell, William French, S. Sturgis (Skip) Crocker, Kim Drake

Also in attendance: Ruth Pereen

**Board Members participating remotely:** Matt Greco

**Administrative Assistant:** Mary Heeney (present)

A number of attendees also participated remotely.

### **PUBLIC HEARING: --Citizen's Petition Article for Town Meeting:**

Six-Month Moratorium on the Town's Consideration of all Personal Wireless Communication Facilities (Cellular Towers)

The Public Hearing for the Proposed Article to be placed on the warrant by citizen's petition to be considered at the Special Town Meeting 10/3/2020 was opened at 7:30 pm by the Planning Board Chair, Westley Burnham. Following the opening of the Public Hearing the Chair read the *Preamble for Public Hearings*.

The Chair informed those in attendance, both remotely and in person, the purpose of the meeting was to allow the public an opportunity to comment on the proposed article to be placed on the Annual Town Meeting by Citizen's Petition.

The remote participants were advised of the ground rules of the Public Hearing and the manner in which it will proceed.

The Chair opened the meeting for discussion:

### **Shelly Bradbury – 79 Eastern Avenue**

Spoke of her concerns regarding the current Bylaw 6-3.4.5 Radio, Telecommunications, Cellular and Television Facilities, Including Free Standing Tower Type.

- The current Bylaw does not address advancement in technology
- The current Bylaw does not address advancement of phone service
- She would like to see the current Bylaw strengthened

**Mark Rienzi – 86 Southern Avenue**

- Additional review would be required to study the advancement in technology

**Meredith Fine – Attorney**

- Additional time should be taken to make the bylaw more specific.
- Asked how and when the Board will proceed with a vote.

The Chair responded that the Public Hearing was to hear comments on the Citizen’s Petition Article for Town Meeting. The Board decision will be presented at the Town Meeting.

**Jack Gale –**

Suggested that the Board should reconsider & revise the Bylaw.

Lisa O’Donnell asked if the town had any discussion with legal counsel concerning this kind of project.

The Chair responded that the Town Counsel is currently reviewing the matter.

Kim Drake questioned the comment that adjacent communities have more robust bylaws.

Shelly Bradbury stated that Ipswich bylaws were last updated in 2019.

Kim Drake asked if other towns are updating relative to the current updates in technology.

Shelly Bradbury stated she feels other towns have this information.

Wes Burnham read several emails from residents.

The Chair asked if there were any more comments.

There were no additional comments or questions.

Michael McConnell made a motion to close the Public Hearing

S. Crocker seconded the motion

The roll call was as follows:

Matt Greco	Aye
Michael McConnell	Aye
William French	Aye
Lisa O’Donnell	Aye
Kim Drake	Aye
S. Sturgis Crocker	Aye
Westley Burnham	Aye

The Chair closed the Public Hearing at 8:05 pm.

Discussion by the Board on the Citizen's Petition Article.

Kim Drake pointed out that, as part of the normal operations of the board, bylaws are routinely updated and revised, as situations and circumstances change and as warranted. However, whenever these revisions are undertaken, the board never suspends (which is what a moratorium would effectively do) the current bylaw on the books, during the revision and voting processes. That is, a bylaw stands until it is revised and accepted at a Town Meeting. Furthermore, for the board to recommend this process of adopting a temporary moratorium would invite others, who may be opposed to a particular development in town, to embark on this same strategy for the purposes of delaying said development, and this is not a practice that the board would encourage.

The Chair presented the question to the Board Members "Does the Board recommend passage (or not) of the Article".

The Board discussed the testimony as presented by the public.

- When would the proposed six month moratorium start?
- No plan or application has been presented to the Planning Board. How would the timing be considered.
- If a moratorium is in place in anticipation of regulatory changes would current bylaws be set aside.
- The moratorium is not clearly defined.

Michael McConnell made a motion not to support passage of the Citizen's Petition Article to be considered at the Town Meeting.

William French seconded the motion.

The roll call was as follows:

Matt Greco	Aye
Michael McConnell	Aye
William French	Aye
Lisa O'Donnell	Aye
Kim Drake	Aye
S. Sturgis Crocker	Aye
Westley Burnham	Aye

**Adjourn:**

Lisa O'Donnell made a motion to adjourn the meeting.

Michael McConnell seconded the motion.

The motion was approved by the Board Members present.

The chair declared the Meeting to be adjourned at 8:25 PM.

The next Meeting of the Town of Essex Planning Board will be held on October 7, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

*If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.*

## **Town of Essex Planning Board Meeting Minutes –September 16, 2020**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex's Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:

**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:35 PM the meeting was called to order by Chair, Westley Burnham. There were phone difficulties which caused the opening of the meeting to be delayed.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Lisa O' Donnell, William French

Also in attendance: Ruth Pereen

**Board Members participating remotely:** Matt Greco, S. Sturgis (Skip) Crocker

**Board Members absent:** Kim Drake

**Administrative Assistant:** Mary Heeney (present)

A number attendees also participated remotely.

### **Building Inspector's Report:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

### **BOARD DISCUSSION:**

The Fall Town Meeting will take place on Saturday, October 3<sup>rd</sup> at 1:00 pm outside on the grounds of Essex Elementary School. The rain date is Saturday, October 10<sup>th</sup>.

### **"0" Spring Street—121-001**

Subdivision modification. The Chair reported that he had been in touch with the Clerk of the Works for this project. The clerk reviewed the plans and presented several comments. There will be a Public Hearing on 10/7/2020 at 8:00 pm at the Town Hall.

### **Citizen's Petition Article for Town Meeting**

Public Hearing at a Special Meeting 9/30/2020 on the Citizen's Petition Article for Town Meeting. Shelly Bradbury asked how questions would be fielded so that those in attendance would be clearly heard. Ruth Pereen informed the attendees that the Town is trying out a new product offering video conferencing. Current testing appears to be going well. Meredith Fine asked if the Planning Board takes a position after the Public Hearing. The Chair informed her that after the hearing there would be a vote.



**Committee updates from Board members:**

The Chair reiterated that the Downtown Zoning District discussion has been postponed until the Spring Town Meeting.

Lisa O'Donnell reported that the Safety Building is still on track.

**Board review of Meeting Minutes: September 2, 2020:**

Lisa O'Donnell made a motion to approve the minutes of September 2, 2020 as written.

Michael McConnell seconded the motion

The roll call was as follows:

Wes Burnham	Approve
Michael McConnell	Approve
Lisa O'Donnell	Approve
S. Sturgis (Skip) Crocker	Approve
Matt Greco	Approve
William French	Abstain (Was not in attendance at 9/2 meeting)

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.

William French seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 7:55PM.

The next Meeting of the Town of Essex Planning Board will be held on October 7, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

*If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.*

## Town of Essex Planning Board Meeting Minutes –September 02, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:

**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:45 PM the meeting was called to order by Chair, Westley Burnham. There were phone difficulties which caused the opening of the meeting to be delayed.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Lisa O’Donnell, S. Sturgis (Skip) Crocker

**Board Members participating remotely:** Kim Drake, Matt Greco

**Board Members absent:** William French

**Administrative Assistant:** Mary Heeney (present)

A number of residents also participated remotely. There were also remote participants who were not identified.

### **Building Inspector’s Report:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

**BOARD DISCUSSION:** The Fall Town Meeting will take place on Saturday, October 3<sup>rd</sup> at 1:00 pm outside on the grounds of Essex Elementary School. The rain date is Saturday, October 10<sup>th</sup>.

### **143 Eastern Avenue -137-015 --- Site Plan Review**

Rob Gulla, representing the owners of 143 Eastern Avenue (remotely) discussed the application and plan that the Board had already received. The plan was to rebuild an existing restaurant, (Essex Seafood) that had been destroyed by fire.

The Chair read the application and reviewed the plans for those members present and those participating remotely. The Chair asked if there were any questions or comments. Lisa O’Donnell asked if the signs were going to be replaced or changed. The plan is to clean up the current signs. There were no further questions.

Kim Drake made a motion to approve the rebuilding of a restaurant at 143 Eastern Avenue owned by Howard and Debra Lane. Lisa O’Donnell seconded the motion.

The roll call was as follows:

Matt Greco	Aye
Kim Drake	Aye
S. Sturgis Crocker	Aye
Michael McConnell	Aye
Lisa O’Donnell	Aye

Wes Burnham                      Aye

**143 Eastern Avenue- 137-015 ---6.4-2 Finding**

The Board also reviewed the application and plan for 143 Eastern Avenue for a 6.4-2 finding. There was no increase in the non-conformity. The building height would be 26 feet.

Michael McConnell made a motion to approve the construction of a new restaurant under the Town of Essex Bylaw 6-4.2 which states, "structures or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the planning board that the proposed extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

Roll call vote was as follows:

Matt Greco	Aye
Kim Drake	Aye
S. Sturgis Crocker	Aye
Lisa O'Donnell	Aye
Michael McConnell	Aye
Wes Burnham	Aye

**160 John Wise Ave. 106-003**

Application by Sturgis Realty Corp. for endorsement of a site plan for new construction of a 75x100 pole barn with 20ft. ceiling at 160 John Wise Ave. Plan design will be similar to existing barn on property. Jack Gale asked if the barn would be detrimental to the landscape. The owner informed him that the intent was to conform to the natural surroundings. There were no further questions. Kim Drake made a motion to approve the siting of a 75x100 pole barn at 160 John Wise Ave. stating that it meets all Essex Bylaw requirements. Lisa O'Donnell seconded the motion.

Roll call was as follows:

Kim Drake	Aye
Matt Greco	Aye
Michael McConnell	Aye
Lisa O'Donnell	Aye
Wes Burnham	Aye
S. Sturgis Crocker	Recused-Owner of property

**Cell Tower-Proposed Bylaw modification**

Proposed Bylaw changes to section 6-3.4 of the Town of Essex Bylaws as introduced by Shelly Bradbury and Kathleen Pennoyer.

Opening statements were read by Shelly Bradbury and Kathleen Pennoyer which addressed concerns on the proposed construction of a cell tower in Essex. A citizens group had drafted proposed modifications to the zoning bylaw with respect to the placement and regulation of cell towers and requested that the Planning Board accept and present the changes at Town Meeting. There was extensive discussion by the presenters and the Chair of the proposed changes. Kim Drake asked the proponents to provide to the Board with a side by side comparison of the new proposed bylaw and

the existing. Meredith Fine, attorney with the citizen's group was also part of the discussion. Meredith Fine informed the Board that the citizen's group would be looking for a six-month moratorium on cell towers in Essex. Wes Burnham asked the Board members if they had input on the proposed bylaw. The Board felt that they needed more time to review what was being presented. Kim Drake suggested that the conversation be deferred to another meeting. The Chair informed the presenters that they could submit a citizen's petition to the Select Board to have the article placed on the warrant for the Town Meeting.

**Downtown Zoning District:**

The Chair informed the Board that the warrant article for the proposed Downtown Zoning District would be postponed until the Town Meeting in the Spring. The vote to postpone the article was as follows:

Kim Drake	Aye
Matt Greco	Aye
Michael McConnell	Aye
Lisa O'Donnell	Aye
S. Sturgis Crocker	Aye
Wes Burnham	Aye

**BOARD DISCUSSIONS:**

Kim Drake questioned the status of the marijuana establishment. The Chair stated there was no additional information on the project.

Kim also asked if there was any additional information on the proposed ANR for 8 Turtleback Road. The Chair informed that the owners were meeting with their attorney regarding the ANR.

Lisa O'Donnell reported that the progress on the Public Safety Building continues to be on track.

**Board review of Meeting Minutes: August 19, 2020:**

Matt Greco made a motion to approve the minutes of August 19, 2020 as written.

Michael McConnell seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
Lisa O'Donnell	Approve
S. Sturgis (Skip) Crocker	Approve
Matt Greco	Approve

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.

Lisa O'Donnell seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 9:40 PM.

The next Meeting of the Town of Essex Planning Board will be held on September 16, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

*If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.*

## Town of Essex Planning Board Meeting Minutes –August 19, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex's Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.  
At 7:34 PM the meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Lisa O' Donnell

**Board Members participating remotely:** Kim Drake, S. Sturgis (Skip) Crocker, Matt Greco

**Board Members absent:** William French

**Administrative Assistant:** Mary Heeney (present)

Also in attendance remotely: Jodi Harris, Ruth Pereen  
In attendance -2<sup>nd</sup> floor meeting room: Remko Breuker

### **Building Inspector's Report:**

#### **24 Cogswell Road—Map 110-021—Marie McInnes**

The Building Inspector presented an application for 24 Cogswell Road to rebuild a house that had been previously demolished. The proposed house would be a one story two bedroom seasonal cottage. Dimensions are 54 ½ x 33 feet. This includes an outside deck. The application has all the necessary sign offs.

Wes Burnham asked if there were questions or comments. There were no comments or questions.

Michael McConnell made a motion to approve the siting of a previously demolished house at 24 Cogswell Road stating that it meets all the necessary requirements.

Matt Greco seconded the motion.

Roll call was as follows:

Lisa O'Donnell recused herself from the vote stating she was professionally involved.

Matt Greco	Aye
Kim Drake	Aye
S. Sturgis (Skip) Crocker	Aye
Michael McConnell	Aye
Wes Burnham	Aye

**BOARD DISCUSSION:**

- **0 Spring Street—Map 121-001**

- Remko Breuker, representing the owners of 0 Spring Street presented an application and updated plans for a modification to an access road off of Spring Street. The Chair informed the Board that there was a Sub-Division for Spring Street that was approved in 1984. The Chair also informed the Board that there have been changes in standards for building roads and the proposed road has to be 16 feet wide to allow access for public safety equipment. The original plan was for 12 feet wide. The updated plan is now 16 feet wide.

The Chair explained that this would be a modification to the original plan and would require a Public Hearing.

The Chair asked if there were any questions or comments. There were no questions or comments.

Michael McConnell made a motion to accept the application and modification plan for 0 Spring Street.

Lisa O'Donnell seconded the motion

The roll call was as follows:

Matt Greco	Aye
Kim Drake	Aye
S. Sturgis Crocker	Aye
Michael McConnell	Aye
Lisa O'Donnell	Aye
Wes Burnham	Aye

**Selectmen request**

- The Board discussed a request from the Selectmen on the topic of town signs. Types of signs, the purpose for which they would be used and where they would be placed was discussed. After much discussion the Board unanimously voted to recommend to the Board of Selectmen that we not allow non-safety related signage on Town Property, especially traffic islands.

Roll call vote was as follows:

Matt Greco	Aye
Kim Drake	Aye
S. Sturgis Crocker	Aye
Lisa O'Donnell	Aye
Michael McConnell	Aye
Wes Burnham	Aye

**Cell Tower**

- The Chair read an email received on August 4th on the proposed cell tower at 73 Eastern Ave. The email informed the Board that there would be a balloon test conducted to be used as a visual reference for site observations from locations throughout the study area.

- **Downtown District**

Continued discussion by the Board on the proposed Downtown District. It was agreed that the public needs to have more information on the Board's discussions. The possibility of a Facebook page was presented.

- **Marijuana Establishment**

Kim Drake questioned the status of the marijuana establishment.

Wes Burnham informed the Board that a resident who has spoken against having a marijuana business in Essex, was in touch with the Attorney General's Office concerning the Bylaw that was approved at the Town Meeting June 13, 2020.

Wes also informed the Board that the Host Community Agreement was still being discussed.

- **Turtleback Road**

A request was received to be on the Agenda for a proposed ANR subdivision for 8 Turtleback Road. The requester was informed that there is an AGREEMENT FOR JUDGEMENT which limits the total number of buildable lots on the Turtleback Subdivision to 12. The 12 lots have already been created and sold. There was no further discussion.

**Board review of Meeting Minutes: August 5, 2020:**

Michael McConnell made a motion to approve the minutes of August 5, 2020 as written.

Lisa O'Donnell seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
Lisa O'Donnell	Approve
S. Sturgis (Skip) Crocker	Approve
Matt Greco	Approve

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.

Lisa O'Donnell seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 8:30 PM.

The next Meeting of the Town of Essex Planning Board will be held on September 2, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda. Eastern Ave.



## Town of Essex Planning Board Meeting Minutes –August 5, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex's Planning Board is being conducted via remote participation.

**Conference Call-In telephone number for this meeting:**  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.  
At 7:35 PM The meeting was called to order by Chair, Westley Burnham.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell,

**Board Members participating remotely:** Kim Drake, Lisa O' Donnell

**Board Members absent:** S. Sturgis (Skip) Crocker, William French, Matt Greco

**Administrative Assistant:** Mary Heeney (present)

### **Building Inspector's Report:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

### **BOARD DISCUSSION:**

Wes Burnham read a Legal Notice from the Town of Ipswich on articles to amend Ipswich Zoning Bylaw re: Marijuana Establishments/Adult Use, Registered marijuana Dispensaries.

Wes read an email from Dan Klasnick on the Proposed Telecommunications Tower-73 Eastern Ave.

### **Minutes from Executive Session July 29:**

Kim Drake made a motion to review/read minutes in person at the August 19 meeting.

Lisa O'Donnell seconded the motion.

Roll call was as follows:

Kim Drake	Aye
Lisa O'Donnell	Aye
Wes Burnham	Aye
Michael McConnell	Aye

Wes Burnham had a discussion with the Building Inspector concerning water for growing at BB Botanics proposed cultivation site.

The Building Inspector informed the board that a Stop Work Order for 184 Southern Ave . had been issued.

**Board review of Meeting Minutes: July 15, 2020:**

Kim Drake made a motion to approve the minutes of July 15, 2020 as written.

Lisa O'Donnell seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
Lisa O'Donnell	Approve

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.

Lisa O'Donnell seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 8:00 PM.

The next Meeting of the Town of Essex Planning Board will be held on August 19, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

Planning Board Meeting July 29, 2020

2<sup>nd</sup> floor stage meeting area, Town Hall

1930 Chairman Burnham called the meeting to order.

Board Members present: Chairman Westley Burnham, Samuel Crocker, Lisa O'Donnell, Matt Greco, William French, Michael McConnell, Town Administrator: Brendhan Zubricki

Motion to go into executive session to discuss complaint of misconduct against a town officer according to M.G.L. 38 chapter 30A, section 21 (a) (1). The Chairman declared that the Planning Board would only be returning to open session to adjourn the meeting. The open session phone line was left open for any member of the public to stay on the line and wait for the return of the Planning Board. The Planning Board and the Town Administrator would then call a private line for the commencement of the executive session.

Motion by Lisa O'Donnell, seconded by Samuel Crocker

Roll call vote: passed unanimously

Crocker – yea  
O'Donnell – yea  
French – yea  
Greco – yea  
McConnell – yea  
Burnham – yea

Kim Drake joined meeting at 7:40 pm

Ended private call and returned to public line, in open session.

Motion to adjourn made by Crocker and seconded by Drake

Roll call vote:

Crocker – yea  
O'Donnell – yea  
French – yea  
Greco – yea  
McConnell – yea  
Drake – yea  
Burnham - yea

Meeting adjourned 20:10

Essex Planning Board Meeting  
2<sup>nd</sup> floor stage Meeting Area

July 15, 2020

Present: Wes Burnham Kim Drake Lisa O'Donnell  
Via phone: Samuel Crocker William French

19:31 Meeting called to order by chairman Burnham.

Building Inspector: Nothing for the Board tonight.

Chairman Burnham

Board has a busy August and September ahead.

Subdivision on Spring Street is coming to next meeting. This will require a Public Hearing.

Fall Town meeting November 16<sup>th</sup>. Would like to have Downtown Initiative on the warrant.  
Will need to have a hearing.

**Ramsey/ Southern Ave:** Building Inspector found filled in section and slab poured in preparation of a new building with no permits. Inspector will issue a stop work order.

**Marijuana Dispensary:** No timeline. Will need a hearing.

**25 Centennial Grove Road:** Recently purchased. New owners want to clear cut the property and plant an apple orchard. Drake looked into this the Board has no regulations for this.

DPW has concerns about sprays, contamination to water supply.

Drake stated falls under the Department of Agriculture.

Lisa O'Donnell made a motion to accept minutes for 7/1/2020 meeting. Drake seconded the motion.

Roll call vote: Crocker - yeah Drake – yeah French – yeah O'Donnell – yeah

Cell Tower: Preliminary, draft only, plans have been submitted to the Board.

19:49 Drake made a motion to adjourn. French seconded the motion.

Roll Call Vote: Crocker – yeah Drake – yeah French – yeah O'Donnell - yeah

## Town of Essex Planning Board Meeting Minutes –July 1, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex's Planning Board is being conducted via remote participation.

**Conference Call-In telephone number for this meeting:**  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:30 PM Vice-Chair Wes Burnham opened the conference call.

At 7:31 PM the meeting was called to order by Chair Kim Drake.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Lisa O'Donnell

**Board Members participating remotely:** Kim Drake, William French, Matt Greco

**Board Members absent:** S. Sturgis (Skip) Crocker

**Administrative Assistant:** Mary Heeney (present)

### **Building Inspector's Report:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

### **BOARD DISCUSSION:**

#### **0 Spring Street –Remko Breuker**

0 Spring Street was listed as an agenda item. Mr. Breuker sent an email canceling, stating he would have to postpone his project.

At 7:45 the remote phone connection was lost

At 7:50 the connection was reinstated

At 7:55 Kim Drake came to the Town Hall for the rest of the meeting

#### **6 Low Lands Farm Road –John Morin –ANR**

John Morin of The Morin –Cameron Group, Inc. introduced an ANR plan for 6 Low Land Farms Road, owned by Sherri Bergman of 658 Western Ave. Gloucester, MA. The request was to divide the property into three lots. Mr. Morin spoke about the soil testing for the septic system and informed the board that the Board of Health has the soil information. The location of the septic system was also discussed. All three lots meet the area requirements for frontage and sq. footage.

Kim Drake asked if there were any questions.  
There were no questions by the board members.

Wes Burnham made a motion to endorse the application and ANR plan for lot 6 Low Land Farms Road finding it meets the all the requirements of the Town of Essex Bylaws.

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
William French	Approve
Matt Greco	Approve
Lisa O'Donnell	Approve
S. Sturgis (Skip) Crocker	Absent

**Election of Board Officers for 2020-2021.**

Michael McConnell made a motion to appoint Westley Burnham to the position of Planning Board Chair  
William French seconded the motion

Westley Burnham made a motion to appoint Kim Drake to the position of Vice Chair  
Michael McConnell seconded the motion

Westley Burnham made a motion to appoint Lisa O'Donnell to the position of Clerk  
Michael McConnell seconded the motion  
Lisa O'Donnell accepted the nomination

Westley Burnham made a motion to appoint Matt Greco to the position of Vice Clerk  
Michael McConnell seconded the motion

The roll call was as follows:

All members of the board present voted to approve all of the appointments

**Town Meeting discussion:**

Discussion on the Downtown Zoning District as presented at the Annual Town Meeting. The article was indefinitely postponed. The board discussed that a larger map for review by those in attendance would have been helpful. Also, that going forward the board agreed that it needs to find ways to make the information more available to the public. Kim Drake also conveyed to the board that we should go forward with the Downtown District because it is needed for the town. All board members present were in agreement.

**Board review of Meeting Minutes: June 17, 2020:**

Michael McConnell made a motion to approve the minutes of June 17, 2020 as written.

Matt Greco seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
William French	Approve
Matt Greco	Approve
S. Sturgis (Skip) Crocker	Absent
Lisa O'Donnell	Abstain-She did not attend the meeting

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.  
Lisa O'Donnell seconded the motion.  
The motion was unanimously approved by the Board Members.  
The chair declared the Meeting to be adjourned at 8:50 PM.

The next Meeting of the Town of Essex Planning Board will be held on July 15, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.  
If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

## Town of Essex Planning Board Meeting Minutes –June 17, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

**Conference Call-In telephone number for this meeting:**  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:30 PM Vice-Chair Wes Burnham opened the conference call.

At 7:34 PM the meeting was called to order by Chair Kim Drake.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell

**Board Members participating remotely:** Kim Drake, William French, Matt Greco

**Board Members absent:** S. Sturgis (Skip) Crocker, Dexter Doane

**Administrative Assistant:** Mary Heeney (present)

### **Building Inspector’s Report:**

The Building Inspector did not have any Building Permit Applications which required review by the Planning Board.

### **BOARD DISCUSSION:**

Discussion on the Downtown Zoning District as presented at the Annual Town Meeting. The Article was indefinitely postponed. The board discussed that a larger map for review by those in attendance would have been helpful.

### **Board review of Meeting Minutes: June 3, 2020:**

Michael McConnell made a motion to approve the minutes of June 3, 2020 as written.

Wes Burnham seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
William French	Approve
Matt Greco	Approve
Dexter Doane	Absent
S. Sturgis (Skip) Crocker	Absent



**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.  
Wes Burnham seconded the motion.  
The motion was unanimously approved by the Board Members.  
The chair declared the Meeting to be adjourned at 7:57 PM.

The next Meeting of the Town of Essex Planning Board will be held on July 1, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.  
If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

## Town of Essex Planning Board Meeting Minutes –June 3, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

**Conference Call-In telephone number for this meeting:**  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:20 PM Vice-Chair Wes Burnham opened the conference call.

At 7:30 PM the meeting was called to order by Chair Kim Drake.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell, Dexter Doane

**Board Members participating remotely:** Kim Drake, William French, S. Sturgis (Skip) Crocker

**Board Members absent:** Matt Greco

**Administrative Assistant:** Mary Heeney (present)

### **Building Inspector’s Report:**

#### **6 John Wise Ave.**

S. Sturgis Crocker recused himself from the discussion.

The Building Inspector presented an application by Alan Scott & Megan Townsend, to construct a 24x30 ft. attached garage at 6 John Wise Avenue on a pre-existing non-conforming lot. Kim Drake asked if the garage will have plumbing. The Building Inspector answered that the building is on a slab and that there is no plumbing nor will there be any living space.

There were no additional comments or questions.

Wes Burnham made a motion to approve a 24x30ft.attached garage at 6 John Wise Ave. stating that the proposed extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. Michael McConnell seconded the motion.

The roll call was as follows:

Kim Drake	Aye
Wes Burnham	Aye
Michael McConnell	Aye
William French	Aye
Dexter Doane	Aye
Matt Greco	Absent

### **BOARD DISCUSSION:**

**Board review of Meeting Minutes: May 20, 2020:**

Wes Burnham made a motion to approve the minutes of May 20, 2020 as written. Michael McConnell seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
William French	Approve
S. Sturgis (Skip) Crocker	Approve
Dexter Doane	Approve
Matt Greco	Absent

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.  
William French seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 8:05 PM.

The next Meeting of the Town of Essex Planning Board will be held on June 17, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

## Town of Essex Planning Board Meeting Minutes –May 20, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex's Planning Board is being conducted via remote participation.

**Conference Call-In telephone number for this meeting:**  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:31 PM Vice-Chair Wes Burnham opened the conference call.

At 7:32 PM the meeting was called to order by Chair Kim Drake.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell

**Board Members participating remotely:** Kim Drake, William French, S. Sturgis (Skip) Crocker

**Board Members absent:** Dexter Doane, Matt Greco

**Administrative Assistant:** Mary Heeney (present)

### **Building Inspector's Report:**

#### **21 Lakeview Road**

The Building Inspector presented a plan for 21 Lakeview Road to demolish a current non-conforming single family structure and rebuild on the current site. He informed the board that he only had an electronic copy of the application. The plan also showed the removal of pavement.

Wes Burnham made a motion to approve the removing and reconstruction of a dwelling at 21 Lakeview Road on the same area as the currently existing non-conforming dwelling.

The roll call was as follows:

Kim Drake	Aye
Wes Burnham	Aye
Michael McConnell	Aye
William French	Aye
S. Sturgis Crocker	Aye
Dexter Doane	Absent
Matt Greco	Absent

### **CONTINUED PUBLIC HEARING**

At 7:45 PM Wes Burnham made a motion to open the Public Hearing that was continued from March 18 and April 15, relative to proposed mixed-use zoning district bylaw in downtown Essex. Michael McConnell seconded the motion. Kim Drake questioned whether the board would prefer to hold the Public Hearing tonight or extend it to June 3, 2020.

The roll call was as follows:

Wes Burnham	Hold meeting tonight
S. Sturgis Crocker	Hold meeting tonight
William French	Hold meeting tonight
Michael McConnell	Hold meeting tonight
Kim Drake	Hold meeting tonight
Dexter Doane	Absent
Matt Greco	Absent

Kim Drake informed those attending the meeting that information on the Downtown District could be found on the Planning Board web site.

Kim asked if there were any members of the public in attendance for the Downtown District. There were no members of the public in attendance. Kim asked if there were any questions. There were no questions.

Wes Burnham made a motion to close the Public Hearing relative to proposed mixed-use zoning district bylaw in downtown Essex. Michael McConnell seconded the motion.

The roll call was as follows:

S. Sturgis Crocker	Aye
Wes Burnham	Aye
Michael McConnell	Aye
William French	Aye
Kim Drake	Aye
Dexter Doane	Absent
Matt Greco	Absent

**BOARD DISCUSSION:**

**John Morin-MORIN CAMERON GROUP, INC.**

John Morin, P.E. Principal of the MORIN-Cameron Group requested information on “lot width definition” and how it is measured. He questioned the lot line from bottom to top if not equal. (irregular shaped lot) Kim Drake asked if the front and rear corners are in line. Kim informed him that if sub dividing to create two lots will be an ANR. John Morin left the meeting at 7:45 PM.

Kim Drake informed the board that there have been no applications presented for a cell tower or for a marijuana facility.

Kim also discussed the new date of June 13 for the Annual Town Meeting to be held at the Essex Elementary School. Wes Burnham informed that the Selectmen may shorten the meeting. William French asked Kim if she knew the manner in which the meeting will be held.

Kim asked Wes Burnham if there was any new information on the safety building. Wes replied that there was nothing official.

**Board review of Meeting Minutes: May 6, 2020:**

Michael McConnell made a motion to approve the minutes of May 6, 2020 as written.

Wes Burnham seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
William French	Approve
S. Sturgis (Skip) Crocker	Approve
Matt Greco	Absent
Dexter Doane	Absent

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.  
William French seconded the motion.  
The motion was unanimously approved by the Board Members.  
The chair declared the Meeting to be adjourned at 8:05 PM.

The next Meeting of the Town of Essex Planning Board will be held on June 3, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.  
If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

## Town of Essex Planning Board Meeting Minutes –May 6, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

**Conference Call-In telephone number for this meeting:**  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.  
At 7:30 PM Vice-Chair Wes Burnham opened the conference call.  
At 7:34 PM the meeting was called to order by Chair Kim Drake.

This was a joint meeting of the Planning Board and Board of Selectmen.

**Board Members present at Town Hall 2<sup>nd</sup> floor meeting room:** Westley Burnham, Michael McConnell

**Board Members participating remotely:** Kim Drake, William French, Matt Greco, S. Sturgis (Skip) Crocker

**Board Members absent:** Dexter Doane

**Administrative Assistant:** Mary Heeney (present)

**Selectmen present at town Hall 2<sup>nd</sup> floor meeting room:** Ruth Perea

**Selectmen participating remotely:** Peter Phippin

**Selectmen absent:** Andrew Spinney

**There were several other members of the public who remotely joined the meeting.**

### **Building Inspector’s Report:**

#### **10 Spring Street**

The Building Inspector presented an application for an accessory structure (carport) at 10 Spring Street. The Building Inspector informed the board that the application meets setback requirements. Wes Burnham reviewed the plan and made a motion to approve a 22x24 carport at 10 Spring Street stating that it meets all the requirements of the Town of Essex bylaws. S.Sturgis (Skip) Crocker seconded the motion.

The roll call was as follows:

Kim Drake	Aye
Wes Burnham	Aye
Matt Greco	Aye
Michael McConnell	Aye
William French	Aye
S. Sturgis Crocker	Aye
Dexter Doane	Absent

**21 Lakeview Road**

The Building Inspector presented an application for 21 Lakeview Road to remove an existing building and re-build as shown on plan. The board discussed as to whether the current building was in fact a house. The Building Inspector checked the Town record and informed the board that it has been a dwelling for many years. Kim Drake questioned if the property is located in the Watershed Overlay District and if there was any information re: lot coverage. The Building Inspector said the site plan did not show that information. Wes Burnham said it was not clear where the wetland ends, and suggested an engineer review. Kim Drake said the board would need more information before approval.

**PUBLIC HEARING:**

Public Hearing relative to proposed zoning bylaw changes placed on the warrant to be considered at the Annual Town Meeting 6/15/2020. Amend Chapter VI section 6-3.4.2.m. of the zoning bylaws. Medical Marijuana Treatment Center/Registered Marijuana Dispensary to establish exclusion zones relative to Non-Medical Marijuana establishments.

At 7:50 Kim Drake asked for a motion to open the Public Hearing. Wes Burnham made a motion to open the Public Hearing. Michael McConnell seconded the motion. At this time Selectmen Peter Phippin remotely joined the meeting.

Kim Drake read the Preamble for a Public Hearing. Kim also informed the audience that the Selectmen were sponsoring the Public Hearing.

Brendhan Zubricki informed the audience that the proposed zoning bylaw will require a 2/3 vote at the Town Meeting.

Kim Drake asked if there were any questions. There were no questions or comments.

Wes Burnham made a motion to close the public hearing.

Michael McConnell seconded the motion

The roll call was as follows:

Michael McConnell	Aye
William French	Aye
S.Sturgis (Skip) Crocker	Aye
Matt Greco	Aye
Kim Drake	Aye
Wes Burnham	Aye
Dexter Doane	Absent

Kim Drake declared that the Public Hearing relative to proposed zoning by law changes affecting prospective retail marijuana establishments closed.

Ruth Pereen made a motion to adjourn the Board of Selectmen meeting. Peter Phippin seconded the motion. The meeting was adjourned at 8:05 PM.

Kim Drake informed the Planning board that at the meeting of 5/20/20, the Public Hearing on the proposed mixed use zoning district bylaw in downtown Essex would be continued.

**Board review of Meeting Minutes: April 15, 2020.**



Michael McConnell made a motion to approve the minutes of April 15, 2020  
William French seconded the motion

The roll call was as follows:

Kim Drake	Approve
Wes Burnham	Approve
Michael McConnell	Approve
William French	Approve
S. Sturgis (Skip) Crocker	Approve
Matt Greco	Approve
Dexter Doane	Absent

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.  
William French seconded the motion.  
The motion was unanimously approved by the Board Members.  
The chair declared the Meeting to be adjourned at 8:10 PM.

The next Meeting of the Town of Essex Planning Board will be held on May 20, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.  
If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

## **Town of Essex Planning Board**

### **Public Hearing Notice**

On Wednesday, May 6, 2020 beginning at 7:45 PM at the Essex Town Hall, 2<sup>nd</sup> floor Auditorium, 30 Martin Street, Essex, MA 01929 the Planning Board will hold a Public Hearing relative to:

**Proposed Bylaw changes to be placed on the warrant to be considered at the Annual Town Meeting 06/15/2020**

Amend Chapter VI section 6-3.4.2.m. of the Town of Essex Zoning Bylaws. Medical Marijuana Treatment Center/Registered Marijuana Dispensary.

The proposed text is available for review during regular business hours of the Office of the Town Clerk.

Kim Drake, Chair  
Essex Planning Board

**BOARD OF SELECTMEN / PLANNING BOARD  
PUBLIC HEARING**

**Town Hall, 2<sup>nd</sup> Floor Stage Conference Area, 30 Martin Street  
7:30 PM  
May 6, 2020**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at [www.essexma.org](http://www.essexma.org). For this meeting, members of the public who wish to listen to the meeting may do so via Conference Call. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. **The call-in number will be: 717-275-8940. The access code is: 8378315. Please mute your phones. If you do not have a mute button, press \*6 (star 6) to mute and unmute from a landline phone.**

**AGENDA**

- Participation in a public hearing with respect to a proposed zoning bylaw affecting prospective retail marijuana establishments.

## Town of Essex Planning Board Meeting Minutes –April 15, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex’s Planning Board is being conducted via remote participation.

**Conference Call-In telephone number for this meeting:**  
**717-275-8940. Access code 8378315**

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.  
At 7:25 PM Vice-Chair Wes Burnham opened the conference call.  
At 7:31 PM the meeting was called to order by Chair Kim Drake.

**Board Members Present:** Westley Burnham, Michael McConnell

**Board Members participating remotely:** Kim Drake, William French, Matt Greco, S. Sturgis (Skip) Crocker

**Board Members Absent:** Dexter Doane

**Administrative Assistant:** Mary Heeney (present)

### **Building Inspector’s Report:**

The Building Inspector did not have any new Building Permit Applications which required review by the Planning Board.

### **Board Review/Discussion:**

Review of ANR plan for 2 Belcher Street. Roland & Jane Adams.

The members of the Board participating remotely had received an electronic copy of the application and plan for review. A full set of plans, including the mylar, were also presented at the meeting for review. The Board members, present & remote, discussed the plan as it was presented. Wes Burnham informed the Board that two lots were being created. Parcel A and parcel B. Kim Drake asked if there were any questions. There were no questions or comments. Michael McConnell made a motion to endorse the ANR for 2 Belcher Street stating that it meets all the requirements of the Town of Essex Bylaws. Wes Burnham seconded the motion

The roll call was as follows:

Michael McConnell	Endorse
William French	Endorse
S.Sturgis (Skip) Crocker	Endorse
Matt Greco	Endorse
Kim Drake	Endorse
Wes Burnham	Endorse

Kim Drake noted that at the last meeting the Board voted on having a designated signer for documents that needed to be signed by the Board.

Wes Burnham will sign the ANR plans and mylar for 2 Belcher street and note on the plans that this is in accordance with the recommendations of Town Counsel.

**CONTINUED PUBLIC HEARING:**

At 7:46 PM Michael McConnell made a motion to open the Public Hearing that was continued from March 18, 2020, relative to proposed mixed use zoning district bylaw in downtown Essex.

Wes Burnham seconded the motion. Kim Drake asked if the Planning Board members had any questions. There were no questions.

Wes Burnham made a motion to continue the Public Hearing on the proposed mixed use zoning district bylaw in downtown Essex to May 20, 2020 at 7:45 PM.

Michael McConnell seconded the motion.

The roll call was as follows:

Kim Drake	Affirmative
Wes Burnham	Affirmative
Michael McConnell	Affirmative
William French	Affirmative
S. Sturgis (Skip) Crocker	Affirmative
Matt Greco	Affirmative

Kim Drake declared that the Public Hearing relative to proposed mixed-use zoning bylaw district in downtown Essex be continued to May 20, 2020.

**Board review of Meeting Minutes: April 1, 2020**

Wes Burnham made a motion to approve the minutes as amended.

Michael McConnell seconded the motion.

The roll call was as follows:

Kim Drake	Approve as amended
Wes Burnham	Approve as amended
William French	Approve as amended
S. Sturgis (Skip) Crocker	Approve as amended
Matt Greco	Approve as amended
Michael McConnell	Approve as amended

Kim Drake informed the Board that an informal notice has been received re: a cell tower. She will have to recuse herself from any future discussions due to the proximity of her home to the property presented for the cell tower.

At 7:50 PM the Board lost remote connection with Kim Drake. The connection was restored at 7:55 PM.

**Adjourn:**

Michael McConnell made a motion to adjourn the meeting.

William French seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 8:00 PM.

The next Meeting of the Town of Essex Planning Board will be held on May 6, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

## Town of Essex Planning Board Meeting Minutes –April 1, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Essex's Planning Board is being conducted via remote participation.

Conference Call-In telephone number for this meeting:  
717-275-8940. Access code : 837831

The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929.

At 7:30 PM Vice-Chair Wes Burnham opened the conference call.

At 7:40 PM the meeting was called to order by Chair Kim Drake.

**Board Members Present:** Westley Burnham, Michael McConnell

**Board Members participating remotely:** Kim Drake, William French, Matt Greco, S. Sturgis (Skip) Crocker

**Board Members Absent:** Dexter Doane

**Administrative Assistant:** Mary Heeney (present)

### **Building Inspector's Report:**

The Building Inspector did not have any new Building Permit Applications which required review by the Planning Board.

### **Board Review/Discussion :**

Review of an ANR plan for 22 John Wise Ave. Jayne & Michael Ginn  
Mr. & Mrs. Ginn were also present remotely.

The Board had received an electronic copy of the application and plan for review. Kim questioned if the electronic copy was the final copy. Jayne Ginn answered yes. Kim reminded Mr./Mrs. Ginn that the Board still needed the mylar and three copies of the plan and application. Mrs. Ginn stated that she was waiting on the mylar copy from the printer, but that she had the paper copies and would have them brought to the meeting. At 8:10 the paper copies were delivered to the Town Hall by their daughter. The Board members, present & remote, discussed the plan as it was presented. Kim asked if there were any questions. Wes asked about the frontage for going forward. There were no other questions.

Michael McConnell made a motion to endorse the ANR for 22 John Wise Ave. as presented.

S. Sturgis Crocker seconded the motion.

The board voted unanimously to endorse the ANR.

*A March 21, 2020 update from KP Law addressed the difficulties in securing in-person signatures on applications, approvals and denials regarding meetings being held remotely. Their recommendation was to have the board vote to authorize a "staff liaison" to sign on its behalf.*

The Board discussed the possibility of authorizing one member to sign on its behalf. It was agreed that the board should have an authorized signer.

The votes were cast as follows:

Michael McConnell	Agreed on a designated signer-possibly Kim Drake
S. Sturgis Crocker	Agree one person should sign-Wes Burnham or Kim Drake
Matt Greco	Agreed on a designated signer
William French	Agree on a signer-possibly Wes Burnham
Kim Drake	Agree on a designated signer
Wes Burnham	Agreed on an authorized signer

Wes Burnham made a motion to authorize a single member of the Board as signer for any forms that needing signing.

Michael McConnell seconded the motion and added that no one specific person be designated but as the need arises, the board could vote to authorize a signer.

The Board voted unanimously to authorize a single member of the Board to sign on its behalf as the need arises.

Michael McConnell made a motion to have Wes Burnham sign the three paper copies of the ANR plan as presented to the Board.

William French seconded the motion.

The Board voted unanimously.

### **Meeting Minutes:**

The Board reviewed the Meeting Minutes of March 18, 2020

Wes Burnham made a motion to approve the minutes of March 18, 2020 as amended

Michael McConnell seconded the motion.

The votes were cast as follows:

William French	Approve
S. Sturgis(Skip) Crocker	Approve
Matt Greco	Approve
Kim Drake	Approve
Wes Burnham	Approve as amended
Michael McConnell	Approve as amended



**Adjourn**

Michael McConnell made a motion to adjourn the meeting.

William French seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 8:30 PM.

The next Meeting of the Town of Essex Planning Board will be held on April 15, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

If the Town Hall is still closed to the public, information for attending the meeting remotely will be on the posted agenda.

## Town of Essex Planning Board Meeting Minutes –March 18, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of this town's Planning Board was conducted via remote participation.

The Meeting was held at the Essex Town Hall 2<sup>nd</sup> Floor Auditorium, 30 Martin Street, Essex, MA 01929. At 7:30 PM Vice-Chair Wes Burnham, opened the Conference call.

This was a joint meeting of the Planning Board and Board of Selectmen.

**Board Members Present at the Essex Town Hall 2<sup>nd</sup> Floor Meeting Room:** Westley Burnham, Michael McConnell

**Board Members participating remotely:** Chair Kim Drake, Matt Greco, William French

**Board Members Absent:** S. Sturgis (Skip) Crocker, Dexter Doane

**Selectmen Present at the Essex Town Hall 2<sup>nd</sup> Floor Meeting Room:** Ruth Preen, Andrew Spinney

**Selectmen participating remotely:** Peter Phippin

**Members of the Public also participated remotely**

**Administrative Assistant:** Mary Heeney

The meeting was called to order at 7:35 PM by Chair Kim Drake.

### **Building Inspector's Report:**

The Building Inspector did not have any new Building Permit Applications which required review by the Planning Board.

### **PUBLIC HEARING**

The Public Hearing relative to proposed mixed-use zoning bylaw district in downtown Essex to be considered at the Annual Town Meeting.

Wes Burnham made a motion to open the Public Hearing.

Michael McConnell seconded the motion.

The Public Hearing was opened at 7:45 PM.

Kim Drake questioned the Board Members as to whether the Public Hearing should be discussed at the meeting or continued.

Wes Burnham made a motion to continue the Public Hearing to 4/15/2020.

Michael McConnell seconded the motion.

Kim Drake asked each member for their vote, which was cast as follows:

Kim Drake	Approve
Bill French:	Approve
Matt Greco:	Approve
Michael McConnell:	Approve
Wes Burnham	Approve
S. Sturgis Crocker	Absent
Dexter Doane	Absent

Kim Drake declared that the Public Hearing relative to proposed mixed-use zoning bylaw district in downtown Essex be continued to 4/15/2020.

**This was a co-meeting of the Selectmen and Planning Board.**

The Selectmen meeting was called to order at 8:00PM by Andrew Spinney.

Members in attendance:

- Andrew Spinney
- Ruth Pereen
- Peter Phippen – Remotely

Discussion by the Selectmen and several members of the public, who joined in on the conference call, relative to possible Town Meeting warrant articles on Marijuana Establishments.

Ruth Pereen made a motion to adjourn the Selectmen meeting at 8:45 PM.

The meeting of the Planning Board continued.

**Meeting Minutes**

The Board reviewed the Meeting Minutes of 3/4/2020

Michael McConnell made a motion to approve the minutes of 3/4/2020

William French seconded the motion. The motion was approved unanimously.

**Adjourn**

Michael McConnell made a motion to adjourn the meeting.

Wes Burnham seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 9:15 PM.

The next Meeting of the Town of Essex Planning Board will be held on April 1,2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

## **Town of Essex Planning Board Meeting Minutes –March 04, 2020**

The meeting was called to order at 7:30 PM by Chair Kim Drake. The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929

**Board Members Present:** Kim Drake, Michael McConnell, William French, S. Sturgis (Skip) Crocker, Matt Greco, Dexter Doane

**Board Members Absent,** Westley Burnham

**Administrative Assistant:** Mary Heeney

### **This was a co-meeting of the Selectmen and Planning Board.**

The Selectmen meeting was called to order at 7:50 by Peter Phippen.

Members in attendance:

Ruth Pereen  
Peter Phippen

### **Building Inspector's Report:**

The Building Inspector did not have any new Building Permit Applications which required review by the Planning Board.

### **Board Review :**

#### **ANR -166 Eastern Ave. Map 138-009 John Tremblay**

An ANR plan and application for 166 Eastern Ave. was submitted for Board review.

A previous ANR plan for 166 Eastern Ave. was reviewed by the Board on February 24, 2020. The plan was deemed to be inaccurate and was denied endorsement.

The Board reviewed the new ANR plan and application as presented, and agreed that this plan was accurate.

The Chair asked if there were any questions. Ruth Pereen asked if the plan and application could be taken back if you changed your mind. The Chair replied "once a plan is approved it cannot be changed".

Michael McConnell made a motion to endorse the ANR plan for 166 Eastern Ave finding that it meets the requirements under current Essex Zoning Bylaws.

Samuel S.Crocker seconded the motion which was approved unanimously.

#### **105 Conomo Point Road Map108-084 – Decision for Special Permit**

The Chair read the Decision for Special Permit to the Board and the audience before the Board voted.

The Public Hearing for the application submitted by Jonathan Hull and Ellen McCarthy Hull for a special permit under section 6-12.6 of the Zoning Bylaw, for property located at 105 Conomo Point Road, for the construction of a second floor addition with an attic to be located above an existing non-conforming

structure was held on February 19, 2020. The members of the Planning Board voted to approve the Special Permit at a meeting on March 4, 2020 in accordance with the Town of Essex Bylaw 6-12.6.

The votes were cast as follows:

Kimberly Drake: Approve

Michael McConnell: Approve

William French: Approve

Matthew Greco: Approve

Dexter Doane: Approve

Samuel S. Crocker: Approve

Westley Burnham: Absent

### **PUBLIC HEARING**

Public Hearing for the proposed Bylaw changes to be placed on the warrant by citizens petition to be considered at the Annual Town Meeting 5/4/2020.

Samuel S. Crocker made a motion to open the Public Hearing

Matt Greco seconded the motion

The Public Hearing was opened at 7:55PM.

The Chair read the Preamble for a Public Hearing. The Chair informed the public that once proposed bylaw changes are presented there can be no changes to text.

Thomas Fallon (Attorney) read The Citizen's Petition Article for Town Meeting and presented a map with possible areas for marijuana establishments.

The chair acknowledge that Tom Fallon would present the Citizens Petition at the Town Meeting on May 4, 2020.

The Chair asked if there were any questions or comments.

There were no comments.

A motion to close the Public Hearing was made by Michael McConnell.

Dexter Doane seconded the motion.

The motion was approved unanimously.

The Public Hearing was closed at 8:10 PM.

### **Meeting Minutes**

The Board reviewed the Meeting Minutes of 2/19/2020 & 2/24/2020

Samuel S. Crocker made a motion to approve the minutes of 2/24/2020, and to approve the minutes 2/19/2020 as amended.

Dexter Doane seconded the motion. The motion was approved unanimously.

**Adjourn**

Michael McConnell made a motion to adjourn the meeting.

Dexter Doane seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 9:00 PM.

The next Meeting of the Town of Essex Planning Board will be held on March 18, 2020 at the Essex Town Hall, 2<sup>nd</sup> Floor Stage Conference Room, 30 Martin St, Essex and will commence at 7:30 PM.

## Town of Essex Planning Board Meeting Minutes –February 24, 2020

The meeting was called to order at 7:30 PM by Vice Chair Westley Burnham. The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929

**Board Members Present:** Westley Burnham, Michael McConnell, William French, S. Sturgis (Skip) Crocker, Dexter Doane

**Board Members Absent:** Matt Greco, Kim Drake

**Administrative Assistant:** Mary Heeney

### **ANR 166 Eastern Ave. Map 138-009 John Tremblay**

#### **There were several abutters and their attorney present**

Continuation of the meeting of February 19, 2020 on the ANR application and plan for 166 Eastern Ave. presented by John Tremblay.

Wes Burnham informed the Board that there were no changes to the application or plan that were presented at the February 19, 2020 meeting.

Wes Burnham spoke to Town Counsel on the ANR application presented to the Board. Town Counsel defined this as a perimeter plan.

After extensive discussion, of all options available;

Michael McConnell made a motion to deny the Form A, ANR application for 166 Eastern Avenue. The plan shows two lots with two different owners of record, and on the application there is only one signature. Planning Board finds that the plan is inaccurate.

William French seconded the motion

The motion was unanimously approved.

### **Adjourn**

Michael McConnell made a motion to adjourn the meeting.

William French seconded the motion.

The motion was unanimously approved by the Board Members.

The Chair declared the Meeting to be adjourned at 8:30 PM

The next Meeting of the Town of Essex Planning Board will be held on March 4, 2020 at the Essex Town Hall, 3<sup>rd</sup> floor Auditorium, 30 Martin St Essex and will commence at 7:30 PM.

## **Town of Essex Planning Board Meeting Minutes –February 19, 2020**

The meeting was called to order at 7:30 PM by Chair Kim Drake. The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929

**Board Members Present:** Kim Drake, Westley Burnham, Michael McConnell, William French

**Board Members Absent,** S. Sturgis (Skip) Crocker, Matt Greco, Dexter Doane

**Administrative Assistant:** Mary Heenev

### **Building Inspector's Report:**

The Building Inspector did not have any new Building Permit Applications which required review by the Planning Board.

### **Board Review / discussion:**

#### **ANR -166 Eastern Ave. Map 138-009 John Tremblay**

An ANR plan and application for 166 Eastern Ave. was submitted for Board review.

The Board determined that, on the map, there was an incorrect name of ownership. Brian Desrosiers, listed as an owner, was not listed on the ANR application. It was also stated on the plan that lot configurations are shown more clearly versus plan book. It was unclear as to what was changed from the original plan. After much discussion, it was decided to obtain an opinion from Town Counsel as to how to proceed.

Wes Burnham made a motion that the Planning Board postpone endorsing the plan submitted February 4, 2020 by John Tremblay.

William French seconded the motion which was approved unanimously by the Board.

Wes Burnham made a motion to schedule a meeting on Monday, February 24, 2020 to discuss findings by Counsel on the ANR for 166 Eastern Ave.

William French seconded the motion which was approved unanimously by the Board.

### **PUBLIC HEARING**

At 8:15 PM the Chair opened the Public Hearing for the application of Jonathan Hull and Ellen McCarthy Hull for a Special Permit under section 6-12.6 of the Zoning Bylaw to construct a second floor addition with an attic to be located above an existing non-conforming structure at 105 Conomo Point Road.

In attendance:

- Bill Nolan – Savoie Nolan Architects, LLC
- Jonathan Hull – Homeowner



Bill Nolan presented the plan for a second floor addition with an attic at 105 Conomo Point Road. The Proposed addition will extend existing nonconformities but will not create new nonconformities.

The Chair asked if there were any questions or comments.  
There were no comments from the Planning Board.

A motion to close the Public Hearing was made by Michael McConnell.  
William French seconded the motion.  
The motion was approved unanimously.  
The Public Hearing was closed at 8:30 PM.

### **Public Hearing 3/18/2020**

Wes Burnham informed the Board that there will be a Public Hearing on March 18, 2020 to see if the Town will vote to amend Chapter 6 by adding a new section, 6-15 Essex Downtown Zoning District to the Town of Essex Bylaw.

### **Meeting Minutes**

The Board reviewed the Meeting Minutes of February 5, 2020  
Michael McConnell made a motion to approve the Minutes  
William French seconded the motion. The motion was approved unanimously.

### **Adjourn**

Michael McConnell made a motion to adjourn the meeting.  
William French seconded the motion.  
The motion was unanimously approved by the Board Members.  
The chair declared the Meeting to be adjourned at 10:25 PM.

The next Meeting of the Town of Essex Planning Board will be held on March 4, 2020 at the Essex Town Hall, 3<sup>rd</sup> floor Auditorium, 30 Martin St, Essex and will commence at 7:30 PM.

## Town of Essex Planning Board Meeting Minutes –February 19, 2020

The meeting was called to order at 7:30 PM by Chair Kim Drake. The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929

**Board Members Present:** Kim Drake, Westley Burnham, Michael McConnell, William French

**Board Members Absent:** S. Sturgis (Skip) Crocker, Matt Greco, Dexter Doane

**Administrative Assistant:** Mary Heeney

### **Building Inspector's Report:**

The Building Inspector did not have any new Building Permit Applications which required review by the Planning Board.

### **Board Review / discussion:**

#### **ANR -166 Eastern Ave. Map 138-009 John Tremblay**

An ANR plan and application for 166 Eastern Ave. was submitted for Board review.

The Board determined that, on the map, ~~there was an incorrect name of ownership~~, Brian Desrosiers, listed as an owner, was not listed on the ANR application. It was also stated on the plan that lot configurations are shown more clearly versus plan book. It was unclear as to what was changed from the original plan. After much discussion, it was decided to obtain an opinion from Town Counsel as to how to proceed.

Wes Burnham made a motion that the Planning Board postpone endorsing the plan submitted February 4, 2020 by John Tremblay.

William French seconded the motion which was approved unanimously by the Board.

Wes Burnham made a motion to schedule a meeting on Monday, February 24, 2020 to discuss findings by Counsel on the ANR for 166 Eastern Ave.

William French seconded the motion which was approved unanimously by the Board.

### **PUBLIC HEARING**

At 8:15 PM the Chair opened the Public Hearing for the application of Jonathan Hull and Ellen McCarthy Hull for a Special Permit under section 6-12.6 of the Zoning Bylaw to construct a second floor addition with an attic to be located above an existing non- conforming structure at 105 Conomo Point Road.

In attendance:

- Bill Nolan – Savoie Nolan Architects, LLC
- Jonathan Hull – Homeowner

Bill Nolan presented the plan for a second floor addition with an attic at 105 Conomo Point Road. The Proposed addition will extend existing nonconformities but will not create new nonconformities.

The Chair asked if there were any questions or comments.  
There were no comments from the Planning Board.

A motion to close the Public Hearing was made by Michael McConnell.  
William French seconded the motion.  
The motion was approved unanimously.  
The Public Hearing was closed at 8:30 PM.

### **Public Hearing 3/18/2020**

Wes Burnham informed the Board that there will be a Public Hearing on March 18, 2020 to see if the Town will vote to amend Chapter 6 by adding a new section, 6-15 Essex Downtown Zoning District to the Town of Essex Bylaw.

### **Meeting Minutes**

The Board reviewed the Meeting Minutes of February 5, 2020  
Michael McConnell made a motion to approve the Minutes  
William French seconded the motion. The motion was approved unanimously.

### **Adjourn**

Michael McConnell made a motion to adjourn the meeting.  
William French seconded the motion.  
The motion was unanimously approved by the Board Members.  
The chair declared the Meeting to be adjourned at 10:25 PM.

The next Meeting of the Town of Essex Planning Board will be held on <sup>Feb. 24</sup> March 4, 2020 at the Essex Town Hall, 3<sup>rd</sup> floor Auditorium, 30 Martin St, Essex and will commence at 7:30 PM.

## **Town of Essex Planning Board Meeting Minutes –February 5, 2020**

The meeting was called to order at 7:30 PM by Chair Kim Drake. The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929

**Board Members Present:** Kim Drake, Westley Burnham, Michael McConnell, S. Sturgis (Skip) Crocker, Matt Greco, Dexter Doane

**Board Members Absent:** William French

**Administrative Assistant:** Mary Heeny

### **Building Inspector's Report:**

The Building Inspector did not have any new Building Permit Applications which required review by the Planning Board.

### **Board Review / discussion:**

#### **38 Robbins Island Road, Map 108-009**

The Building Inspector presented a revised set of plans for 38 Robbins Island Road to be reviewed by the Board. (Original plans were approved by the Planning Board on February 6, 2019).

The abutters of property located at 38 Robbins Island Road were present to discuss the dwelling currently under construction. There were concerns that the building was not being constructed in accordance with the original approved plans. Abutter, Richard Denton, spoke stating that the current construction is not within the context of the community and believes that the current building is substantially different than the original plans. The Chair reviewed the plans with the Building Inspector. The new plans are the same footprint and elevation as the original approved plans. The exterior façade and roof lines are different but do not create a new non-conformity and meets setback requirements.

Wes Burnham made a motion that the Board determines that the building under construction at 38 Robbins Island Road is in scope of the original plans.

Dexter Doane seconded the motion which was approved unanimously.

#### **2 Martin Street-Mark Audette**

Plans for an ice cream shop formerly an antique shop. New retaining wall was built which increased the roof expansion. The expansion increases a nonconformity. Board approval is needed for increasing a nonconformity.

Wes Burnham made a motion to authorize the reconstruction of a retaining wall and roof at 2 Martin Street for a 6-4.2 finding that the proposed extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

Dexter Doane seconded the motion which was approved unanimously.

**2 Belcher Street – Roland Adams, Map 129-017**

Informal discussion on moving property lot lines. Mr. Adams was asked if the property was in one or multiple names. It was explained that we cannot approve the transfer of land without approval of the names (and correct signatures) on the deed. It was suggested that Mr. Adams check with the Registry of Deeds to obtain that information.

**15 Tree Hill – Stuart Pratt**

15 Tree Hill was listed on the agenda, but Mr. Pratt did not stay for the remainder of the meeting.

**Review of the Table of Dimensional Requirements.**

Kim Drake made a motion for the discussion of the Table of Dimensional Requirements to be continued at the next meeting. The Board voted unanimously.

**Public Hearing 3/4/2020**

On the proposed Bylaw changes to be placed on the warrant by Citizens Petition to be considered at the Annual Town Meeting 5/4/2020.

**Meeting Minutes**

The Board reviewed the Meeting Minutes of January 15, .  
Wes Burnham made a motion to approve the Minutes  
S. Sturgis (Skip) Crocker seconded the motion. The motion was approved unanimously.

**Adjourn**

Michael McConnell made a motion to adjourn the meeting.  
S.Sturgis (Skip) Crocker seconded the motion.  
The motion was unanimously approved by the Board Members.  
The chair declared the Meeting to be adjourned at 9:30PM.

The next Meeting of the Town of Essex Planning Board will be held on February 19, 2020 at the Essex Town Hall, 3<sup>rd</sup> floor Auditorium, 30 Martin St, Essex and will commence at 7:30 PM.

## **Town of Essex Planning Board Meeting Minutes –January 15, 2020**

The meeting was called to order at 7:30 PM by Chair Kim Drake. The Meeting was held at the Essex Town Hall, 30 Martin Street, Essex, MA 01929

**Board Members Present:** Kim Drake, Westley Burnham, Michael McConnell, William French, S. Sturgis (Skip) Crocker, Matt Greco

**Board Members Absent:** Dexter Doane

**Administrative Assistant:** Mary Heeney

### **Building Inspector's Report:**

The Building Inspector did not have any Building Permit Applications which require review by the Planning Board

### **Board Review / discussion:**

#### **105 Conomo Point Road – Map 108-084 – Jonathan & Ellen McCarthy Hull**

An application requiring a Special Permit for 105 Conomo Point Road to construct a 210SF second floor addition with an attic to be located above an existing nonconforming structure. The proposed addition will extend the existing nonconformities but not create new nonconformities. Wes Burnham accepted the application and a Public Hearing was scheduled.

#### **Citizen's petition for proposed bylaw changes to be placed on the Annual Town Meeting Warrant**

There were a number of abutters in attendance as well as attorney Thomas Fallon.

Discussion on the proposed bylaw changes to be placed on the Annual Town Meeting Warrant. Attorney Thomas Fallon, requested that the Planning Board hold a Public Hearing on the proposed Bylaw changes as listed in the Citizen's petition. A Public Hearing was scheduled. Kim Drake informed the attendees that all Bylaw changes have to be accepted by the Attorney General.

#### **Review of the Table of Dimensional Requirements.**

Kim Drake made a motion for the discussion of the Table of Dimensional Requirements to be continued at the next meeting. The Board voted unanimously.

### **Meeting Minutes**

The Board reviewed the Meeting Minutes of December 18, 2019. Michael McConnell made a motion to approve the Minutes. S. Sturgis (Skip) Crocker seconded the motion. The motion was approved unanimously.

**Adjourn**

Michael McConnell made a motion to adjourn the meeting.

S.Sturgis (Skip) Crocker seconded the motion.

The motion was unanimously approved by the Board Members.

The chair declared the Meeting to be adjourned at 9:20PM.

The next Meeting of the Town of Essex Planning Board will be held on February 5, 2020 at the Essex Town Hall, 2<sup>nd</sup> floor meeting room, 30 Martin St, Essex and will commence at 7:30 PM.