

1 TOWN OF ESSEX
2 PLANNING COMMISSION DRAFT MINUTES
3 APRIL 8, 2021
4

5 **Note: This was a virtual meeting on Teams.**

6
7 PLANNING COMMISSION (PC) PRESENT: Dustin Brusco, Chair; Josh Knox, Vice-Chair;
8 David Raphael; Tom Furland; Ned Daly and Jonathan Schumacher (arrived at 6:51 p.m.).

9
10 OTHERS PRESENT: Owiso Makuku, Community Development Director; Sharon Kelley,
11 Zoning Administrator; Darren Schibler, Planner; Deana Stoneback, Administrative Assistant;
12 Paul O’Leary, P.E.; Bryan Currier, P.E.; Al Senecal; Brian Bertsch; and David and Patricia
13 Henderson.

14
15 Chairman Brusco called the meeting to order at 6:33 p.m.; took a roll call of the Planning
16 Commissioners present; and read the Covid meeting instructions into the record.

17
18 **AGENDA ITEM 1: PUBLIC COMMENTS:** None.

19
20 **AGENDA ITEM 2: CONTNUED PUBLIC HEARING FROM 3/11/2021 - SITE PLAN**
21 **AMENDMENT: AL SENEAL, D/B/A A&C REALTY, LLC: PROPOSAL FOR TWO**
22 **ADDITIONAL 20,000SF FACILITIES, AND OTHER SITE IMPROVEMENTS ON A**
23 **57.8-ACRE LOT LOCATED AT 123 OLD COLCHESTER ROAD IN THE INDUSTRIAL**
24 **(I1) & AGRICULTURE-RESIDENTIAL (AR) ZONES. TAX MAP 95, PARCEL 1-1.**

25
26 Darren Schibler spoke on this application. He stated that this application was continued from the
27 March 11th PC hearing as Public Works had several conditions that needed sorting out before
28 bringing it back to the PC. The parcel was a large piece of land consisting of both Industrial (I1)
29 and Agricultural-Residential (AR) zones. He stated that the applicant was using a small part of
30 the parcel, located in the I1 zone, and has been using this area as a quarry. He reported that the
31 PC that the applicant received Zoning Board of Adjustment approval to continue the extraction
32 process. Schibler continued to state that the application was under PC review as the request was
33 to modify the original site plan approval by adding two additional 20,000 sq. ft. buildings on the
34 site, and build a new road, which may become a public road in the future. The applicant has
35 sorted out all the issues with Public Works and approval is now recommended. Schibler noted
36 that he added the standard condition regarding the need for a lock box to the conditions and,
37 made some grammatical changes to the staff report.

38
39 Bryan Currier, P.E., O’Leary-Burke Civil Associates, stated the project was known as Greystone
40 Industrial Park, which consisted of 57-acres and most of the project was in the I1 zone. He
41 stated that slight changes were made to the layout, which included the road to accommodate two
42 new buildings. They brought sewer to the site by using the pump station that was installed
43 resulting from a previous Senecal project. Currier acknowledged recent approval from the ZBA
44 to remove an additional 150,000 cubic yards of ledge. He reported that the same process that has
45 taken place over the last 5 years will continue to be followed for the next 5 years, as well as the
46 same requirements of the blasting plan. He requested that Condition 9 and Condition 11 of the
47 Staff Report be changed to require the fee to be paid at the time of Certificate of Occupancy
48 rather than at the issuance of a Zoning Permit.

49

50 A lengthy discussion took place regarding the applicant's request to change Condition 11 so that
51 requirement for the roadway be completed in its entirety prior to the issuance of a certificate of
52 occupancy. Many suggestions were given, such as changing the condition to read that the
53 applicant shall work with staff on the timing or changing it to the time of certificate of
54 occupancy. The PC wanted to create a template condition that would capture these issues going
55 forward. Chairman Brusco expressed his frustration as he felt this request happened frequently.
56 Schibler read verbatim Public Work's comment on this issue. Sharon Kelley reported that when
57 circumstances arise during construction, changes may be needed and, as Zoning Administrator,
58 she will determine if the request requires an amendment, or if it falls within her authority. She
59 noted that she works well with the engineers and Public Works when these issues arise. She read
60 the language that is incorporated into the PC signed approval letters.

61

62 Al Senecal stated that they would have 150,000 cy of stone to crush and if the road were required
63 to be constructed at the time of a zoning permit, it would likely be damaged.

64

65 The PC decided to create a Finding on the matter and incorporate Condition 11 into Condition
66 12.

67

68 **Chairman Brusco noted that the Public Hearing remained opened and asked for public**
69 **comments.** There were none.

70

71 **Vice-Chair Knox MOVED and Commissioner Schumacher SECONDED a motion to close**
72 **the Public Hearing. The MOTION passed 6-0.**

73

74 **Commissioner Furland MOVED and Chairman Brusco SECONDED a MOTION to**
75 **approve the application for 123 Old Colchester Road as warned and according to a Staff**
76 **Report dated 4/8/21, with the following changes:**

77

78 Finding C, Line 227, change to read: After "March 4, 2021" Place a "." and change "whose" to
79 "The"; after "conditions" add "of this memorandum"; and after "herein" add "by reference."

80

81 Finding H, Line 297, after "2021" add a "."; replace "whose" with "The"; after "conditions" add
82 "of this memorandum" and after "herein" add "by reference".

83

84 Finding H2, Line 316/317: After "2021" add "."; replace "whose" with "The"; and after
85 "conditions" add "of this memorandum".

86

87 Finding II, Line 341: Add, "The Planning Commission acknowledges that the timing of fees and
88 conditions often requires an ongoing dialogue between the applicant and multiple Town of Essex
89 departments. The Planning Commission desires to empower staff to work collaboratively with
90 applicants to achieve the desired outcomes of an application approval while being flexible with
91 when fees and the timing of conditions are to be satisfied. The Planning Commission encourages
92 the applicant and staff to work together, realizing the applicant can always return to the Planning
93 Commission if they have concerns that cannot be resolved."

94

95 Condition 9, Line 376: After "permits" add "for the roadway".

96

97 Condition 11, Lines 387-388: Delete.

98 Condition 12, Line 390 After “operations” delete “and”; after “utilities” add “and construction of
99 the roadway to the satisfaction of Public Works.”

100

101 Condition 22: Renumber remaining conditions and add a new “22” to read, “Prior to the
102 issuance of a certificate of occupancy for each warehouse building, key boxes and alarm panels
103 shall be installed in coordination with the Fire Department.”

104

105 **The MOTION passed 6-0.**

106

107 **AGENDA ITEM 3: SIMPLE PARCEL SUBDIVISION-PUBLIC HEARING: JEFF**
108 **SPOONER D/B/A VIP 44 CENTER RD, LLC: PROPOSAL TO SUBDIVIDE A 1.16**
109 **ACRE PARCEL INTO A 0.55 ACRE LOT AND A 0.61 ACRE LOT FOR A SINGLE-**
110 **FAMILY HOME ON EACH LOT LOCATED AT 44 CENTER ROAD IN THE MEDIUM**
111 **DENSITY RESIDENTIAL (R2) ZONE. TAX MAP 56 PARCEL 112.**

112

113 Darren Schibler, Planner, reported that changes to the curb cut and circulation on the lot
114 prevented this application from being placed on the consent agenda. He pointed out that the
115 Staff Report was written similarly to a consent agenda application. The proposal before the PC
116 is a request to demolish the existing house and replace with two new single-family lots, with a
117 shared driveway. The layout of the new curb cut squares up the driveway with Saybrook and
118 will aid in reducing conflict with left hand turns. He noted changes to Finding 14 of the Staff
119 Report as the date should read as March 24; and he proposed replacing the language after
120 “assessed on” with “each of the new dwellings” on Lines 123-125.

121

122 Chairman Brusco noted there are three (3) lanes on Center Road, one being a slip lane that turns
123 into Saybrook development. He was concerned that the proposal will add more traffic to this
124 area. Schibler replied that the town does not regulate this road as it is a state road. Brusco
125 repeated his concern on traffic.

126

127 Commissioner Furland stated that the application was “pretty straight forward.”

128

129 Paul O’Leary, P.E. said he had nothing more to offer on this application.

130

131 **Commissioner Raphael MOVED and Vice Chair Knox SECONDED a motion to open the**
132 **Public Hearing. The MOTION passed 6-0.**

133

134 David Henderson, 3 Londonderry Lane, stated he was present with his wife, Patricia, and they
135 had difficulty understanding where the buildings would be situated on the parcel. He asked if the
136 applicant proposed any landscaping or fencing.

137

138 O’Leary replied that they were not proposing anything in addition to the existing tree line on the
139 back of the parcel.

140

141 Chaiman Brusco asked how far away the house closest to the Henderson lot would be. O’Leary
142 estimated approximately 100’, noting that it was a good distance away.

143 **Commissioner Daly MOVED and Commissioner Furland SECONDED a motion to close**
144 **the Public Hearing. The MOTION passed 6-0.**

145

146 **Vice-Chair Knox MOVED and Commissioner Raphael SECONDED a motion to approve**
147 **the application for 44 Center Road, subject to the Finding and Conditions of a Staff Report**
148 **dated 4/8/2021, as follows:**

149

150 Finding 14, Lines 123-125, change to read, “In an email dated March 24, 2021, the Parks &
151 Recreation Director stated that a recreation impact fee would be assessed on each of the new
152 dwellings.

153

154 **The MOTION passed 6-0.**

155

156 **AGENDA ITEM 4: SITE PLAN: HECO RENTALS, LLC-PUBLIC HEARING:**
157 **PROPOSAL TO CONSTRUCT THREE 6,000SF WAREHOUSES ON A 2.66-ACRE LOT**
158 **LOCATED AT 10 CORPORATE DRIVE IN THE RESOURCE PRESERVATION**
159 **DISTRICT-INDUSTRIAL (RPD-I) ZONE. TAX MAP 72, PARCEL 3-10.**

160

161 Darren Schibler, Planner, stated that this is another warehouse proposal and described the
162 application as follows:

163

- 164 • He referred to the site plan, noting where the access road is located and three (3)
- 165 warehouse buildings;
- 166 • The structures are situated outside of the 200-foot buffer requirement;
- 167 • The red maple is to be moved on the right side of the property;
- 168 • A couple of changes were made to the parking spaces;
- 169 • The driveway islands need to be landscaped;
- 170 • Sewer cleanouts cannot be within the islands; and
- 171 • One sewer service and one manhole are conditions of approval.

172

173 Chairman Brusco asked about lighting. Commissioner Furland replied that all lights are facing
174 the parking area. Schibler noted that two building mounted lights are low level wattage and they
175 also face the parking area. He noted that all lighting is within the regulations.

176

177 Bryan Currier, P.E., O’Leary-Burke Civil Associates, had no edits to the staff report. He
178 questioned why a parking lot needed to be named with a private street name, as it seemed odd.
179 Commissioner Raphael also found this odd and asked if these private drives were listed.

180

181 Schibler replied that this is a standard that is state-wide for access. The precedent was 1 Allen
182 Martin Drive, who was also required to name the private drive ‘Boston Drive’. He noted that
183 these addresses are listed on emergency response maps and get a separate classification.

184

185 Owiso Makuku stated that E911 was empowered by the state and/or federal government. She
186 did not believe the PC could make a change.

187

188

189 **Commissioner Furland MOVED and Commissioner Schumacher SECONDED a motion to**
190 **open the Public Hearing. The MOTION passed 6-0.**

191
192 There were no comments.

193
194 **Commissioner Raphael MOVED and Commissioner Furland SECONDED a motion to**
195 **close the Public Hearing. The Motion passed 6-0.**

196
197 **Commissioner Raphael MOVED and Commissioner Schumacher SECONDED a Motion to**
198 **approve the application of 10 Corporate Drive, as warned and according to the Findings**
199 **and Conditions of a Staff Report, including a Friendly Amendment, as follows:**

200
201 Finding II, Line 297: Change “Comments” to “Findings”

202
203 Condition 21, Line 376: After “fire lane” add a “.” and delete the remaining condition.

204
205 **The MOTION passed 6-0.**

206
207 **AGENDA ITEM 5: MINUTES 3/25/21:**

208
209 **Commissioner Raphael MOVED and Commissioner Schumacher SECONDED a**
210 **MOTION to approve the 3/25/21 minutes as written. The MOTION passed 6-0.**

211
212 **AGENDA ITEMS 6: OTHER BUSINESS:**

213
214 Owiso Makuku asked for a volunteer for the Cannabis Committee that is being formed. After
215 several moments of silence, the PC volunteered Commissioner Schumacher, who graciously
216 accepted.

217
218 Regarding the sale of cannabis in Essex, Makuku reported that the Selectboard will need to put
219 the question out to the public or the Town will have to opt out by a certain date.

220
221 Commissioner Raphael acknowledged that there have been several applications of late and
222 thanked Staff for its hard work.

223
224 The Planning Commission meeting adjourned at 8:57 p.m.

225
226 PLANNING COMMISSION

227
228 By: _____
229 Dustin R. Bruso, Chair

230
231
232
233