

Town of Essex Planning Board - Meeting Agenda  
February 4, 2009 - T.O.H.P. Burnham Library

7:30            Building Inspector's Report or Regular Business

8:00            TBD Essex Park Drive – Continuation of the Public Hearing for the Definitive Subdivision Application

- Conservation Commission sent an email stating that the commission cannot provide comment without input from a wetland scientist and a consultant will not be retained at this time since there is not filing before the Con. Com.
- Comments from DPW received
- No comments to date from Fire Department
- Board Secretary contacted Larry Graham and Meridian on 1-29-08 regarding estimates for reviewing the Drainage Analysis and the Hydro CAD Analysis both are included in your packets of information
- Reminder to reference M.G.L. Chapter 44 Section 53G and M.G.L. 41 Section 81U regarding bonds etc. when writing decision
- Notice for Continuation posted properly

Regular Business & Updates

- Correspondence
- Invoices
- Payroll
- Board Discussion regarding preparation for the public hearing on February 11, 2009 for the articles on the warrant
  - ASTJ to bring flip chart
  - BH to bring easel
  - Secretary purchased colored dots, will bring highlight markers, regular meeting items
  - Notices posted, published and mailed properly
  - Secretary will work on posting notice at Post Office, Transfer Station and on the big white sign in front of Town Hall on Thursday and Friday
- Copies of the DCR, A toolkit for Protecting Community Character
- Board Discussion Town Meeting 2009
- Draft items for Town Meeting 2010
- Secretary is working on the requests of the Board and public regarding the web page
- Board to discuss, draft, write decision for 60 John Wise Avenue Site Plan Review

Meeting to Adjourn

Next Planning Board Meeting is February 11, 2009 at the Essex Elementary School and it will be two public hearings for the proposed three articles on the warrant for the 2009 Town Meeting

Meeting Minutes - Public Meeting  
Town of Essex Planning Board  
February 4, 2009

The meeting was called to order at 7:36 p.m. by Acting Chair, Andrew St. John and was held at the T.O.H.P. Burnham Library.

Attendees: Juergen Dietrichson (JD), Andrew St. John (ASTJ), Bill Holton (BH), Scottie Robinson (SR)  
Absent: Jason Heath, Amy Reilly, Kim Drake  
Building Inspector: Bill Sanborn (BS) Secretary: Mary-Ellen L. Feener (MF)

**Building Inspector's Report**

**44 Lufkin Street, Peter Meyer, Map 15 – Lot 16 A**

BS: This application is for 10 x 17 addition of a screen porch for the Board to review. It has the approval of the Conservation Commission and the Board of Health.

The Board reviewed the application and the plan and had no comment.

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The Board discussed the hiring of an engineer for consultation for the proposed TBD Essex Park Drive Definitive Subdivision Plan Application.

**TBD Essex Park Drive Definitive Subdivision Plan Application**

Peter Van Wyk, owner, present, Orestes 'Russ' Brown, Attorney representing the owner, Brian Buia, Apple Associates Inc. Engineer, representing the owner

Andrew St. John re-opened the Public Hearing for the TBD Essex Park Drive Definitive Subdivision Plan.

Brian Buia will send copies of the necessary documents and plans to the two engineering companies Meridian and Larry Graham Associates, LLC which were chosen by the Planning Board to review the drainage plans and information and the Hydro Cad Analysis.

The Board agreed with the letter sent by Larry Graham which stated that 'it is not possible to solely review the calculations and report without reviewing the drainage design of the subdivision plan.' Larry Graham further stated that 'Further, as drainage is of primary importance to a responsible subdivision design, it is most appropriate and of benefit to the board for us to review the entire subdivision plan and design.'

The Board did briefly discuss the letter from Larry Graham and decided at this point of the review of an application it would not be prudent to hire an engineer to do a comprehensive review of the proposed subdivision. If the subdivision is approved then the Board will collect the proper funds from the applicant to cover the cost of an engineer and the Board will hire an engineer for a new estimate for reviewing the documentation and to visit the Planning Board during the March 4, 2009 meeting.

Bill Holton asked about the proposed 44-foot easement on the plan. Russ Brown stated that it could be removed from the plan. Peter Van Wyck said he would like to have the easement remain. Brian Buia stated it was always discussed it would be for the benefit of open space on the other side of the gas

ement and he further stated that putting in a road to make only a few lots may not be economically feasible. The Board reiterated their request to have the easement removed from the plan.

Andrew St. John asked how many acres on Lot 7. Brian said 21.12 acres.

Andrew St. John reviewed and paraphrased the response from Paul Goodwin, Superintendent of the Department of Public Works regarding the application and plans which were: "(1) The water main says that it is ductile iron and PVC at different parts of the plan. Which one is it? Either is acceptable. I just want to know which one. Also, the water main installation has to fulfill ALL Water Department Rules and Regulations in regard to installation procedures. It appears by the plan that the underground utilities are close to the proposed water main. We require 10' separation between our mains and other utilities. (2) Plan makes not about annual maintenance done to drainage swails, etc. Who is going to perform and oversee the maintenance of the drainage system? I do not want this proposed development to have an adverse affect on the public way (Essex Park Road.) or the local residents in that area. I would assume the Con. Com. will weigh in on this in regard to the Alewife Brook etc. (3) The increased vehicle traffic coupled with the on stree parking from the commercial property currently on Essex Park Rod. May be an issue Chief Silva and I will need to address/discuss in the future."

In response to one of the comments reviewed by Andrew St. John from Paul Goodwin, Attorney Brown said that it would be a simple matter to have the concerns of the DPW Superintendent regarding the drainage met by having a covenant for the future home owners to be responsible for the drainage.

Andrew St. John continued the public hearing until March 4, 2009 at 8 p.m. The applicant(s) signed the form to continue the public hearing date to March 4, 2009 and the date the decision must be filed with the Town Clerk is May 9, 2009.

The Board secretary will email Attorney Russ Brown the comments of the Town of Essex Boards/Departments/Committees.

#### Regular Business

- Invoices
- Payroll
- Mail
- The Planning Board will begin to use a new form written by the Board Secretary for the continuances of public hearings and applications which will be signed by an applicant at a meeting. This will end the time spent by the secretary contacting applicants to submit a continuance letter after a meeting has ended.
- The Board reviewed and approved the Meeting Minutes of January 21, 2009 as amended.

#### 60 John Wise Site Plan Review Decision

Attorney Thomas Beatrice present

Andrew said that the representative for Kopelman and Paige, Town Counsel said that a Site Plan Review decision could be written by the Board. This decision should not reference any previous decisions made by the Board.

The Board reviewed the Order of Conditions from the Conservation Commission.

The Board then reviewed the criteria as set in the Bylaws regarding Site Plan Review Zoning Bylaw 6-6.12.4 which the Board reviewed.

**a) Traffic**

Summer Plan

- The Board discussed the two driveways.
- The applicants had previously stated they had the approval of the state for the driveways.
- Scottie and Bill said they were in favor of a separate driveway for the employees.
- Andrew asked if having two sets of cars on the same road at the same time trying to enter or exit the property and the potential danger. Scottie responded and said that it was not going to be such a busy business and it should not be a concern.
- Bill said that he was concerned about the exiting. The Board asked Tom Beatrice where the retail business is located and the Board discussed the location of the retail business. One driveway would enter into the retail business section and the other driveway would be for the employees and the trucks. The two areas; one for the business/employees and one for the retail business would be separate.

Winter Plan

- The Board reviewed the winter plan and the retail parking and the employee parking would be the same.
- Scottie stated that she would be concerned about public safety and her idea would be to require the applicant to put up a sign between the retail and the other section so that it is clear to the public that each section is separate and the retail side is for the public and that the other section is not a public area.

**b) Parking**

- Juergen wanted to make sure that it states in the decision that the applicant is aware of the necessity of having handicap parking as per Mass General Laws. Site lines in the new driveways to be required. Thomas Beatrice asked that they be restricted by any future use as per the current bylaws.

Lighting

- Andrew suggested it would not be unreasonable to ask the applicants to only have lighting in the front of the building and that there would be cut off fixtures and that the light would fall on the front of the property. Scottie brought forward the applicants previous concern about the safety of the boats from vandals or theft. Thomas Beatrice suggested cut off fixtures with sensors.
- The Board agreed it was reasonable to request that any lighting light the property and not the adjacent properties and that the lighting be cut off fixtures with sensors turned downward.

Trash Receptacle

- The Board would like to request that if in the future there were any trash receptacles that they be screened from view from the street.

**c) Drainage Control**

- The Board agreed that this was the Conservation Commissions area of expertise.
- Bill wanted to make sure that the applicants understand that the plan accompanies a decision and that what is written in the decision and a plan must be followed.
- Scottie brought forward the question of lot coverage. The owner can cover 25% of lot with all buildings according to Essex Bylaws.
- The property is a business land use (requirements may be found in bylaws on page 12). Scottie asked if the Board felt that David Lane's concerns about the drainage into Soginesse Creek.

Andrew St. John said that he would not want to go against the decisions of the Conservation Commission and the Board had complete trust in their judgment regarding conservation issues.

- Thomas Beatrice said that the Conservation Commission was very pleased with the plans submitted by the applicant for the drainage on the property.

**d) Existing Vegetation**

The Board determined that this is not an issue and reviewed what is stated in the bylaws: Minimizing the area over which existing vegetation is to be removed. Where tree removal is required special attention shall be given to planting of replacement trees and undergrowth.

**e) Amenities**

- Andrew said that he would not like to see huge conifers in the middle of the lot.
- Thomas Beatrice pointed out that the screening which is there is what was asked for by the Board in the past.
- The Board discussed perhaps putting shrubbery or another bush to offset the Evergreens until the Evergreens grown in and then they could be move. The Board discussed their concern about the screening of a compost pile and the storage bins.
- Andrew asked why the Board would require them to screen the compost piles and storage bins since they are part of the character of John Wise Avenue. He is concerned about the row of trees already planted because they are not reflective of the character of John Wise Avenue.
- Attorney Beatrice asked that his clients not be held up to a standard that is not the current standard. Scottie replied that that is not a concern and that the applicants could be held up to standard as deemed appropriate by the Board.

*Bill Holton brought forward 6-5.6 and the property owned by Perkins on John Wise Avenue that currently has boat storage. The Board agreed that the owner should be reminded that the boats must be screened.*

**f) Town Character**

The Board decided the property would fit with the character of the town.

**g) Screening**

This subject was discussed under section e) Andrew did read section (g) for the record. The Board also agreed that they would like to see a tree that is more appropriate for the area.

**h) Hazardous Materials**

The Con. Com. Order of Conditions did discuss the proper care for the boats and Hazardous Materials. Attorney Beatrice will give the Board Secretary a copy of the agreement regarding the boats that was completed with the Con. Com.

- i)** The Board decided they should research which bylaw references gas storage.

Andrew St. John volunteered to draft the decision which he will bring back to a Board meeting for the Board to review.

BH: Motion to adjourn the meeting at 10:15 p.m.

ASTJ: I second the motion.

All in favor?

Aye.

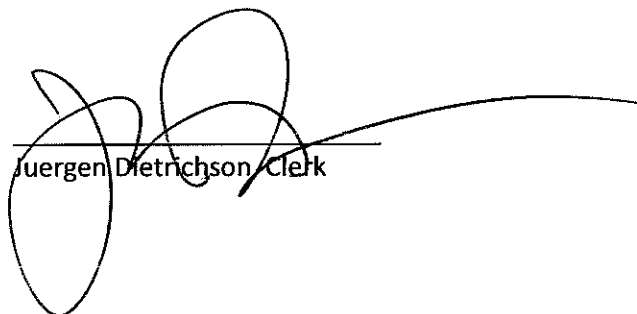
Motion passed unanimously.

Next meeting is scheduled for February 11, 2009 at the Essex Elementary School at 7:30 p.m.

Presented by:



Mary-Ellen L. Feener, Secretary



Juergen Dietrichson, Clerk