

1 ESSEX TOWN PLANNING COMMISSION MINUTES

2 November 9, 2023

(as approved on 1/25/2024)

3
4 **PLANNING COMMISSION (PC) PRESENT:**

5 **IN PERSON:** Dustin Brusco, Chair; Johnathan Schumacher; Georgia Lavigne; and Alternate Paula
6 Duke (a voting member for this meeting due to the absence of Commissioners Knox, Perkins &
7 Johnson.)

8 **VIRTUAL:** John Mangan.
9

10 **OTHERS PRESENT:**

11 **IN PERSON:** Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; Kendall
12 Chamberlain; and Scott Baker.

13
14 **VIRTUAL:** Mark Heussy.
15

16 Chairman Brusco called the meeting to order at 6:01 p.m. and asked staff if there were any
17 changes to the Agenda. Kelley reported no changes.
18

19 **AGENDA ITEM 1. AGENDA ADDITIONS/CHANGES:**

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21 **Chairman Schumacher MOVED and Commissioner Lavigne SECONDED a Motion to**
22 **accept the Agenda as warned. The MOTION passed 5-0.**
23

24 **AGENDA ITEM 2: PUBLIC COMMENTS:**
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26 Commissioner Schumacher noted for the record that Hans Heussy has been known to him
27 since he was a kid and were not necessarily friends; Hans was the counsel for the company he
28 works for and he offered to step off the application review if anybody felt there was a conflict.
29 The Planning Commission nor the applicant had any objections for Commissioner Schumacher
30 to hear the application.
31

32 **AGENDA ITEM 3: SIMPLE PARCEL-PUBLIC HEARING-HANS HUESSY AND**
33 **MARGARET LAGGIS -PROPOSAL TO CREATE A NEW LOT BY SUBDIVIDING**
34 **10.45 ACRES FROM A 114.13 ACRE PARCEL, LOCATED AT 1070 OLD PUMP**
35 **ROAD IN THE CONSERVATION (C1) ZONE:**

36 Kent Johnson, Planner, spoke on the
37 application. Johnson reported that the simple-parcel request included a waiver to allow for 3
38 dwellings to serve one driveway. Kent stated the two options for the PC to review, as follows:

- 39 1. Deny the application with the rational that was provided in the Staff Report,
40 including a 1985 subdivision requiring the driveway to be built to Public Work
41 specifications for any future development; the applicant chose to subdivision and
42 create a non-conformity; and other reasons as noted in the Staff Report; and
43 2. Grant an approval, which was another suitable option, as laid out in the Staff
44 Report.
45

46 Scott Baker stated that Kent did a good job boiling down the issues. Baker noted that the first
47 site plan showed a second driveway access to avoid 3 lots on one drive; the PC heard testimony

on the driveway and how the existing drive as adequate to serve all the lots resulting in an agreement to revert back to a single shared access, which requires a waiver. Baker reminded

the PC that the issue was the construction standards and they tried to do everything they could for the town to make the drive as best as possible. This included working with the natural resources, the neighbors, etc. They understand that the shared access will need to be constructed to Type B driveway standards and are agreeable to do same. Baker worked with the Town Fire Chief and is agreeable to the turning radius, the stage area, etc. Baker noted the grade requirements were minimal; and concluded that although he doesn't 100% agree with the staff report history, he agrees with the conditions.

Chairman Brusco reminded everyone that the public hearing was still open and asked if there was any additional comments.

Kendall Chamberlain, on behalf of his neighbors, Kay & James Burde, 1017 Old Pump Road, stated that the Chamberlains asked to communicate that they were strongly in favor of approving the waiver and keep the driveway in its current location.

Mark Heussy, 1068 Old Pump Road, stated that he was the applicant's brother, lived on the road, likes the application and has sufficient faith in his brother.

Chairman Brusco polled the PC, and they were leaning towards the waiver. Chairman Brusco stated that a waiver requires a higher degree of review and felt there should be a separate PC Finding to support the waiver. The PC agreed and continued with discussion for a Finding.

Alternate Commissioner Duke MOVED and Commissioner Lavigne SECONDED a MOTION to close the Public Hearing. The MOTION passed 5-0.

Chairman Brusco MOVED and Commissioner Schumacher SECONDED a Motion to approve the Simple-Parcel Subdivision, including a driveway waiver to allow 3 lots on one drive, subject to the Findings and Conditions of a Staff Report dated 11/9/23, with the following changes:

Delete Finding 3, Lines 208-236.

Finding 6, Line 383, Add the following: "The PC finds that there exist special circumstances and the requirement of certain improvements is not necessary for the public, health, safety, or general welfare. The PC supports the waiver of a driveway as-long-as Public Works supports the configuration of same; noted the support of neighbors; and the lessening of environmental impacts. The PC finds there are special circumstances of this subdivision and agreed to make the minimum modifications to the Regulations necessary to afford relief without nullifying or adversely affecting the intent and purpose of the Town Plan or the Zoning Regulations."

AGENDA ITEM 5: Approval of Minutes October 26, 2023:

Alternate Commissioner Duke MOVED and Commissioner Lavigne SECONDED a Motion to approve the October 26, 2023 minutes with the following change: Line 6, After "Duke" add ", voting member for this meeting." The MOTION passed 5-0.

6. OTHER BUSINESS:

Chairman Brusco reminded the PC of the email Community Development Director Sonnick sent out regarding the packet for the Town Plan Public Hearing scheduled on November 16, 2023.

The meeting adjourned at 6:29 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Brusco, Chair