

ESSEX PLANNING COMMISSION

January 12, 2012

7:30 p.m.

Essex Town Hall – Room A

PUBLIC HEARING

Call to Order and Seating of Members

The meeting was called to order by Chair Tom Danyliw at 7:30 p.m. Seated for the Public Hearing were Chair Tom Danyliw, Vice-Chair Linda Herman, alternate Claire Tiernan for Alan Kerr, and alternate Neil Nichols for Ralph Monaco. Also absent were regular member Carla Feroni and alternate Bob Laundry. Planner John Guskowski was in attendance.

This Public Hearing was continued from the December meeting.

Continued Public Hearings:

a. Peterson Re-subdivision, Rosewood Lane

Engineer Bob Doane presented on behalf of Gregory Peterson. It is a two-lot subdivision at the end of Rosewood Lane. It was requested at the December meeting that the Public Hearing be continued so that the applicant's Attorney could respond to the letter from Town Counsel, Attorney Royston. Mr. Doane recommended closing the Public Hearing and allowing the attorneys to work out the town property issue.

There was no public input.

Motion by Neil Nichols and **seconded** by Linda Herman to close the Public Hearing. **Motion carried unanimously.**

REGULAR MEETING

Call to order and Seating of Members

Seated for the regular meeting were Chair Tom Danyliw, Vice Chair Linda Herman, Claire Tiernan for Alan Kerr, and Neil Nichols was seated for Carla Feroni. Absent were regular member Ralph Monaco, and alternate Bob Laundry.

Approval of Minutes: December 8, 2012

Motion by Linda Herman and **seconded** by Claire Tiernan to approve the minutes of the December 8, 2011 meeting. **Motion carried unanimously.**

New Business

Preliminary Discussion – Foxboro Point Subdivision

John Guskowski opened this preliminary discussion as requested by Joe Wren, Indigo Land Design, and project engineer for applicant. This land is on the corner of Riverview St. and Foxboro Rd. It is a 7-lot subdivision, with 1 existing house and spans 2 zones. No public improvements are proposed. It is adjacent to the windmill property, which is not part of the subdivision. It has been submitted to Inland Wetlands Commission.

Terry Lomme presented. It is an 11.1-acre piece with 7 proposed lots. Lot 6 is in VR and RU zone. R zone requires 60,000 sq. ft. per lot and RU requires 80,000 sq. ft. per lot so Lot 6 meets the additional sq. ft. requirement. All the utilities and driveway will be relocated to the windmill lot subject to approval by the Planning Commission. There will be a separate application for the windmill lot. It will have public water service. Inland Wetlands will do a site walk on Saturday, January 14. An affidavit was filed with Wetlands, although there are no wetlands on the property, and it has been flagged by Richard Zanarski. A 150 ft. greenbelt is proposed along the water. An easement for open space has been discussed.

Joseph Wren, Professional Engineer, representing the applicants, addressed the engineering issues. There are no inland wetlands on the property; they are all tidal. Restrictions on the windmill property are intended to maintain that structure. The soils are excellent. 20 ft. deep test pits have been completed. There are flood zones on the property, but all are within the 150 ft. conservation easement.

Relocation of the utilities and proposed improvements of the windmill property including the driveway are a separate application. Mr. Wren asked whether the current application meets the requirement or are more street trees required? An inquiry to DEEP was made and has been reviewed. Letter of response from DEEP was submitted into the record. Builder restrictions are intended to prevent obscuring the view from the street. This would keep shrubbery; hedges etc. to 5 ft. and existing mature trees will be preserved. Tom Danyliw asked about the open space. The 150 ft. strip is proposed as a conservation easement, not dedicated open space, which comprises 2.4 acres, or 22% of the total land area. It is field-mowed once or twice a year and it is desired to continue that, but use of fertilizer and chemicals should be restricted. This goes beyond the regulated Gateway of 50 ft., and Wetlands of 100 ft.

Linda Herman asked about one of the proposed lots that contains 2 zones and whether consideration was given to divide the lots so that one lot doesn't fall into 2 zones.

John Guskowski would propose that house locations be restricted. The house locations are based on the preferred gravity septic systems.

Regulations allow the town to take a fee in lieu of open space. This fee allows the town to acquire open space elsewhere. The Commission should consider the true value of the open space to the town, rather than the property owners. Linda

Herman reiterated that open space in a subdivision was intended to provide open space for public use. Is it possible to connect it to the existing open space across the road? Terry Lomme responded that “open space” would create other issues. There was discussion on the possibility of docks but water depth is only conducive to kayaks and similar boats.

A site walk will be set up.

Planning Commission Budget, FY 2012 – 13

The Board Of Selectmen has requested the proposed budget be as close to 0% increase as possible. The first hearing is Feb.1 at 7:00 p.m. This year may go over in engineer costs due to Safe Routes to School. The new fee structure is in place so future engineering and attorney fees can be recouped. CRERPA’s place in the budget was discussed. Tom Danyliw will attend the February 1 meeting.

Old Business

Vumbaco Re-Subdivision

The Public Hearing has been closed. Proposed design changes were reviewed at the last meeting. Temporary common drive was created until the road might be extended over the McCook property. Revised plans respond to Tom Metcalf’s comments. Bond estimate for public improvements still needs to be determined. Legal approval of the easement and legal language for still needs to be finalized. Essex will not have streets, plowing or sidewalks to deal with. The letter from Tom Metcalf was reviewed and all of his concerns were addressed.

Motion by Neil Nichols and **seconded** by Claire Tiernan per section 3.5.1 to approve the waiver on the percentage of rear lots due to the unique nature of the property. **Motion carried unanimously.**

Motion by Claire Tiernan and **seconded** by Neil Nichols to approve the Vumbaco Resubdivision with the understanding that the tank will be up sized and plans won’t be a filed until the Town Attorney has signed off on the easement language and the Town Engineer approves the bond. **Motion carried unanimously.**

Peterson Re-subdivision

Engineering Consultant

First Selectman Norm Needleman was in attendance for this portion of the meeting. Tom Danyliw began by apologizing to Selectman Needleman on the issue of the RFQ. Tom Danyliw explained that he assumed the RFQ was less than what it was and did not realize the scope of it. The intent was for the Planning Commission to have independent engineers for review of subdivisions that may come before the Planning Commission to avoid conflicts of interest. The RFQ goes beyond Planning

jurisdiction. Selectman Needleman explained that he needed to pull back some things for further review as he took office. Bob Doane's role as Town Engineer and the need for a contract was discussed. Tom Danyliw recommended leaving this for discussion at the next meeting.

Transportation Study Implementation

Selectman Needleman also shared in discussion of concerns about traffic issue. John Guskowski reviewed identified areas stemming from the Transportation Study. Al Wolfgram had suggested a sinking fund, but in this climate it's not likely. A suggestion was to create a "place holder" with a small amount. This would go into creation of capital improvement, sidewalks, etc.

Motion by Claire Tiernan and **seconded** by Linda Herman to recommend to the Board of Selectmen creation of a sinking fund for the purpose of making traffic improvements based on the Planning Commission's Transportation Study.

Motion carried unanimously.

The hope is to make forward progress on the Transportation Study recommendations. John Guskowski discussed a pilot study, TOPPS, Traffic Options Promoting Public Safety. An ad hoc committee for the purpose of determining ways to reduce traffic and speeds beginning with, but not exclusively for the Grove St. area should be established. It would make recommendations for funding and may also be eligible for historic preservation grants. Suggestions were made for possible subcommittee members. Dave Caroline would be ex officio. The Board of Selectmen, as traffic authority, should appoint someone and a Planning Commission member would also serve. John Guskowski and Tom Danyliw will draft a charge.

CRERPA and Jean Davies have been part of the discussions. STEEP urban funds, offer funding where the State covers 90% of the work for transportation improvements along state roadways. This could leverage Dave Caroline's budget into more projects. Then some of the enhancement funds could be redirected into other Transportation Study recommendations. John Guskowski will meet with CRERPA and DOT. Identified priorities are the Ivoryton Walnut St. bridge, Falls River, Main St. along the gateway area, sidewalk improvements, handicapped ramps along intersections, reorientation of Denison Rd./Main St. intersection, the Deep River Rd. turn at Centerbrook, integrating sidewalks along Westbrook Rd. between Centerbrook and Bokum, and Plains Rd. from the gateway out to Bokum to ultimately connect the 3 villages. Jean Davies is interested in this project. Claire Tiernan recommended including the intersection and crossing in Ivoryton to make it safer. John Guskowski will meet with project design unit at the state level. If the State likes the project they have engineers to assist. The process will go through Planning to prioritize and review. Planning wants to be actively involved. Selectman Needleman foresees pulling all projects together to pull a bond, including school and town hall renovations, and some transportation projects to maintain the infrastructure of the town.

EPA Sustainable Communities / Affordable Housing

John Guskowski made a first draft of a new accessory apartment regulation to make creation of accessory apartments easier. This will be discussed at the February meeting.

Report of Committees and Officers

Report from Inland Wetlands Representative

The Commission met Tuesday and a cease and desist has been issued to Mr. Picard. There was lengthy discussion of his activity. His attorney has challenged Essex' ability to have jurisdiction. It has not been resolved. The issue was a drainage pipe on his property that he extended without informing Zoning. He also built a wall. The preliminary Foxboro Point presentation was made and a site walk to take place on Saturday.

Report from CRERPA Representative

No representative.

Report from Economic Development Representative

No rep.

Report from Architectural Design Review Subcommittee

Neil Nichols reviewed final recommendations:

1. Implement a Commercial Design Review process for new buildings and substantial renovations. This was the highest priority in the public eye. Commercial property owners don't want addition regulations, but there are no design guidelines. Development of a Handbook of Design Examples is recommended. The design review process would be advisory not mandatory and report to Zoning.
2. Apply for a National Register of Historic Places listing for a section of Ivoryton as an honorary designation. This application would require the support of Planning, Zoning and the Selectmen for a grant to prepare the application and a town-wide vote for approval for the application to be submitted.
3. Change current height cap of 30' to 35' above the mean grade for commercial structures to encourage more attractive facades and streetscapes. Maintain 30' for residential with the opportunity for variance for a greater building height when the design is appropriate for its surroundings and neighborhood and serves to enhance our architectural heritage. This would be in conjunction with the Handbook of Design Review.

4. Revise coverage ratios for residential and commercial or replace with volume caps for parcel size and district. Current coverage ratios do not achieve what they intended- to limit the size of a structure on a parcel. If control of the absolute size of structures is the objective, total bulk is more accurate. If certain types of buildings are not desired, regulations can prohibit them. Change the current height cap of 30' to 35' above the mean grade for coverage ratios. This is designed to be complementary to the piece of property and the surrounding homes i.e., Victorian. Tom Danyliw asked about the suggested process, as Planning doesn't have jurisdiction. Size and coverage is a lot-by-lot issue. This goes along with the development of a Design Handbook. Most of this falls on Zoning.
5. Reconsider the Gateway Conservation District and Heritage Gateway District as to how they might fit into our Zoning regulations and as part of this process, designate areas for the Gateway District guidelines. This is contentious, but this process is underway. We are required to implement the 2nd Gateway. Planning Commission's only role is to see that any change is in keeping with Plan of Conservation and Development.
6. Delay of Demolition Ordinance, as written, is not an effective tool to prevent loss of important architectural structures. To preserve our architectural heritage there should be an explanation for the requested demolition, a proposal for the replacement structure before a permit is granted, and a stiffer fine for violations. Planning should encourage the Selectmen to develop a stronger ordinance for demolition.

Motion by Claire Tiernan to endorse the recommendations of the Architectural Design Review Subcommittee. **Seconded** by Linda Herman. **Motion carried unanimously.**

Tom Danyliw is concerned that there is nothing about residential property. He recommended amending the motion to include a handbook for residential as well as commercial. Concern with the vagueness of #4 was noted. #5 doesn't have teeth. Planning needs to be more educated on Gateway and then offer a recommendation. Linda Herman on # 3, suggested the current height cap be increased with the condition that an attractive façade is proposed. If not, the old height restriction is maintained.

Claire Tiernan **amended** the motion to include the Handbook of Design Review for residential.

Essex Historical Society's new Town Historian, Chris Pagliuco, appointed by Phil Miller was in attendance. He is trying to put together an informational event in March with representation from Essex Historical Society, Culture and Tourism, and

Planning. The presentation is on what it means to have a Historic District and the difference between historic districts at the state and national level, the incentives, and how it can play out. It would also be to coordinate the efforts and communication of these groups. It will be held at the Centerbrook Meeting house and is purely educational. Neil Nichols will represent Planning for this event.

Chairman's Report

Any items have been discussed.

Planner's Report

Topics have been discussed.

Correspondence and Invoices

Invoice received.

Adjournment

Motion to adjourn by Neil Nichols and **seconded** by Linda Herman at 10:15 p.m.

Motion carried unanimously.

Respectfully submitted,

Sandra Meinsen
Recording Secretary