

ESSEX PLANNING COMMISSION

March 8, 2012

7:30 p.m.

Essex Town Hall – Auditorium

PUBLIC HEARING

1. Call to Order and Seating of Members

Chair Tom Danyliw called the Regular Meeting of the Essex Planning Commission to order at 7:30 p.m.

Seated for the Regular Meeting were Chair Tom Danyliw, Vice-Chair Linda Herman, Carla Feroni, Alan Kerr, and Ralph Monaco. Also present were alternates Bob Laundry and Claire Tiernan and Planner John Guskowski.

Motion to move the agenda to Item 3.A Gateway Conservation District by Carla Feroni and **seconded** by Alan Kerr.

Motion carried unanimously.

Torrance Downes, senior planner with CRERPA, presented on the Gateway. A memorandum document was discussed. It cited language in the Plan of Conservation and Development that supports recommending to the Zoning Commission that the 2004 Gateway Standards be adopted. Essex is currently part of the Gateway Compact. The Gateway mission is consistent with the Plan of Conservation and Development. The Town of Essex has not adopted the most recent set of standards. Tom Danyliw feels it is appropriate for the Planning Commission to send a letter of recommendation to Zoning for the Standards to be adopted. Zoning is considering a map that reduces the size of the conservation zone. Red zone is statutory but the blue zone is being considered.

Motion by Linda Herman to suspend the regular meeting and move to the Public Hearing. **Seconded** by Carla Feroni.

Motion carried unanimously.

PUBLIC HEARING

Chair Tom Danyliw called the Public Hearing to order at 7:40 p.m.

Seated for the Public Hearing were Chair Tom Danyliw, Vice-Chair Linda Herman, Carla Feroni, Alan Kerr, and Ralph Monaco. Also present were alternates Bob Laundry and Claire Tiernan and Planner John Guskowski.

Subdivision Application: Foxboro Point (map 16, Lot 12)

Attorney Terry Lomme representing the applicants and Mr. Frank Sciamé, developer for the project, presented. The parcel, the Croft property, consists of 7 lots on 11 acres. The windmill is not part of this subdivision. Part of the 11 acres is in the RU zone and part is VR. It complies with all Zoning regulations. A conservation easement of 2.43 acres and a view easement of .65 acres are proposed for a total of 3.08 acres.

Conservation easement will not allow structures, excavation digging, or pesticides. The view easement allows for control of structures, trees and walls, and plantings over a certain height.

Mr. Sciamé is going to reserve the right to have architectural and design approval. John Randolph, executive Vice President from Sciamé Development, discussed architectural guidelines. Being mindful of the natural characteristics of the surroundings, and contextual and responsible to the surrounding community is a priority. They are working with local architect Brooke Gurdy to develop guidelines including natural materials and historically appropriate colors. Tom Danyliw asked how that is accomplished within our Planning and Zoning regulations. Architectural guidelines will be deeded into the lots. There was discussion on how this would be legally binding.

Ralph Monaco asked if this was being offered as a condition of submission.

Andrew Sciamé, director of field operations, discussed the construction oversight aspect of the project.

Joe Wren, project engineer, discussed engineering. There are tidal wetlands, no inland wetlands, on the property. Inland Wetlands approval has been received. Inquiry was made to the State Department of Environmental Protection. There is no adverse impact on the species. The conservation easement is 150 ft. as measured from the mean high water line. 2.43 acres is greater than the open space requirement. The view easement is 75 ft. wide and becomes as wide as 100 ft. at one point.

Fire protection has a total of 4 hydrants to access. Relocation of electrical lines and a water line for the windmill property would be done.

Materials that have come in were noted including a letter from the Fire Marshall.

Ralph Monaco asked why a conservation easement was chosen rather than other types of open space. Attorney Lomme responded that it seemed like the best solution to keep it unchanged and its purpose is to provide habitat, act as a bio filter and keep it in its natural state.

A memo from Marcy Ballantyne reviewed the state statutes for coastal area management and makes the point that public access is legitimate water dependent use. The Commission should consider meaningful public access as part of the subdivision approval. Factors and questions in her memo should be answered as part of the decision making process. She acknowledges that the cove is not particularly navigable. Attorney Lomme responded to her citing of "water dependent use".

Torrance Downes clarified that the Commission could approve the subdivision and then decide if it is consistent with the Coastal Management Site Plan.

Letters from neighbors have been entered into the file.

Joe Wren described the waters, and the land near the water.

Public comment -

Bill Reichenbach, New City St., commented on the open space requirements and proper public access to, and along, the waterfront as in the regulations. He cited Section 5.8.3.

Frank Hall, Benson Lane, requested that the Planning Commission require public access to the waterfront.

Peter Wallace, Riverview St., asked if the windmill is protected and whether the easement could cross over to that property.

Tom Danyliw replied that the regulations do not cover "the view".

Chip Goodrich, Foxboro Rd., is concerned about preserving views of the subdivision. He would like a better view of the windmill and there should be a requirement that the windmill be preserved.

Tom Danyliw does not believe that the windmill, as it is not part of subdivision, can be part of the deliberations.

Ralph Monaco is concerned about density. Discussion ensued on whether the Commission can require an open space subdivision and cluster housing.

"Cluster" refers to rural and only part of the property is in the Rural zone.

Paul Greenberg, Mack Lane, noted that the Land Trust looks at Foxboro as unique and if open space that meets the requirements could be developed, that would be preferable.

Mr. Cunningham is opposed to public access, and doesn't want wildlife driven away.

Jane Piro sees a need for public access to the river. "Public access" means to be able walk down to the river and see the view.

Margaret Morris, New City St., commented that there is no water to speak of in the cove. The beauty is enjoying Foxboro from the water.

Ned Rogin, N. Main St., asked whether the design would augment the new Gateway regulations.

A New City resident, wants more view easement.

Ann Easton asked about the possibility of docks.

Peter Wallace feels the original house should stay, as well as the windmill.

Melanie Phoenix, Ingham Hill and lifelong resident, commented that it is private property and should be recognized as that.

John Guskowski reviewed necessary documents to complete the application. The current plan revision is needed, as well as the review from the State archeologist, the deed language, and there was a request for a conceptual design of a conservation subdivision.

Motion by Carla Feroni and **seconded** by Linda Herman to continue the Public Hearing on the Foxboro Point subdivision to April 19th.

Motion carried unanimously.

Ralph Monaco suggested that at the next meeting there could be a proposal for a conservation cluster design with deeded open space to the town, or an alternative to that. Public accessible open space should be included.

PUBLIC HEARING

Chair Tom Danyliw called the Public Hearing of the Essex Planning Commission to order at 10:00 p.m.

Seated for the Public Hearing were Chair Tom Danyliw, Vice-Chair Linda Herman, Carla Feroni, Alan Kerr, and Ralph Monaco. Also present were alternates Bob Laundy, Claire Tiernan and Neil Nichols, and Planner John Guskowski.

Zoning Referral: Proposed Text Change to “Active Adult” Zoning Regulations

Attorney Terry Lomme reviewed the history of the Essex Glen application. Everything except the designation will stay the same. David Sullivan, traffic engineer from Milone and MacBroom updated the traffic study. The impact of traffic is the same as the original study (2007) and will not have a substantial impact on the area. This application is strictly a text change. Essex Glen will have to come back with the site plans.

Rob Phillips, Planner from Ellington, gave an overview of age-restricted communities and discussed similar circumstances in Ellington. Research and data from a study at Rutgers were reviewed.

Linda Herman also reviewed some history on the project and discussed the age-restricted designation.

John Guskowski referred to the Plan of Conservation and Development and feels this is favorable because it allows more mixed income.

Mr. Levine, principle of the project, reiterated that nothing is being changed. It is a perception issue in attracting the 55 and over age group.

Motion by Ralph Monaco to close the Public Hearing. **Seconded** by Carla Feroni. **Motion carried unanimously.**

REGULAR MEETING

Chair Tom Danyliw called the regular meeting of the Essex Planning Commission to order at 10:45 p.m.

Seated were Chair Tom Danyliw, Vice-Chair Linda Herman, Carla Feroni, Alan Kerr, and Ralph Monaco. Also present were alternates Bob Laundy, Claire Tiernan and Neil Nichols, and Planner John Guskowski.

Approval of Minutes

Motion to approve the minutes of the February 16, 2012 meeting by Alan Kerr and **seconded** by Carla Feroni. **Motion carried unanimously.** Ralph Monaco abstained.

Motion by Ralph Monaco to approve the minutes of the March 3, 2012 meeting (site walk) and **seconded** by Linda Herman.

Motion carried unanimously.

Carla Feroni, Claire Tiernan and Alan Kerr abstained.

Legal Assistance – River Sound Subdivision, Ingham Hill Road

John Guszkowski reported on his search for legal firms and presented 2 possibilities, Halloran & Sage and Zizka. The applicant would pay for legal fees. If litigation comes to be, there will be an environmental intervener.

Motion by Carla Feroni and **seconded** by Linda Herman to use Halloran & Sage as legal assistance for River Sound Subdivision.

Motion carried unanimously.

OLD BUSINESS

Peterson Re-Subdivision

Nothing has been received.

Motion by Linda Herman to deny the Peterson re-subdivision. **Seconded** by Carla Feroni.

Motion carried unanimously.

Motion by Alan Kerr to add the Zoning referral for proposed text change to the agenda. **Seconded** by Ralph Monaco.

Motion carried unanimously.

Motion by Alan Kerr to recommend approval of the proposed text change to the Zoning regulations. **Seconded** by Carla Feroni. Voting in favor of the motion were Tom Danyliw, Alan Kerr, Ralph Monaco, and Carla Feroni. Linda Herman was opposed. **The motion carried.**

Engineering Consultant

Linda Herman and Carla Feroni presented the top 4 candidates for Engineering firms. Trinkaus Engineering was recommended for the Foxboro application.

John Guszkowski will contact the firms to check availability. One will need to be hired for the River Sound application.

Transportation Study Implementation

Changes to the draft charge were reviewed.

Motion by Ralph Monaco and **seconded** by Carla Feroni to approve the changes.

Motion carried unanimously.

Accessory Apartment Regulations

Accessory apartment language was reviewed.

Motion by Linda Herman and **seconded** by Carla Feroni to refer the accessory apartment language to the Zoning Commission. **Motion carried unanimously.**

Inland Wetlands –
Meets next week

CRERPA - Alan Kerr reported that there were a few referrals including the Preserve.

Economic Development Commission
Meets next month

Correspondence and Invoices

Motion by Linda Herman and **seconded** by Carla Feroni to approve payment of bills. **Motion carried unanimously.**

Motion to adjourn at 11:10 p.m. by Carla Feroni and **seconded** by Tom Danyliw.
Motion carried unanimously.

Respectfully submitted,

Sandra Meinsen
Recording Secretary