

PLANNING COMMISSION

July 14, 2011

7:30 p.m.

Essex Town Hall – Room A

REGULAR MEETING

1. CALL TO ORDER AND SEATING OF MEMBERS:

Chair Tom Danyliw called the meeting to order at 7:30 p.m. Seated were Tom Danyliw, Claire Tiernan for Linda Herman, Ralph Monaco. The meeting was opened without a quorum. Neil Nichols arrived at 7:35 and was seated for Alan Kerr. Absent were: Linda Herman, Carla Feroni, Alan Kerr and Bob Laundry. John Guskowski, Essex Planner was also in attendance.

3.c. Discussion – Sunset Pond Restoration Plans

Jim Godsman, a West Avenue resident, gave an informational presentation on his proposal to restore Sunset Pond. He has discussed his ideas with the Paul family, Park & Rec., and Inland Wetlands.

The enhancement project has 4 objectives:

- rescue the pond from continued erosion
 - make it a gateway pond
 - create a venue for increased boating, fishing, kayaking
 - make a permanent home for annual children's events like a fishing derby.
- He wants it rescued from continuing erosion and to clean up around the dock. The vision is to be able to walk around the pond.

Anne Penniman will draw up a plan. Funding is being pursued.

2. APPROVAL OF MINUTES: June 9, 2011

Motion was made by Claire Tiernan to approve the minutes of the June 9, 2011 meeting. **Seconded** by Ralph Monaco. **Motion carried unanimously.**

3. NEW BUSINESS

a. Resubdivision Discussion – Gregory and Anne Peterson, Rosewood Lane

The Peterson property off Rosewood was reviewed including information from Bob Doane. They want a lot line adjustment to create access to 2 rear lots. There is a question on the cap of percentages allowable for rear lots. Bob Doane wants a sense from the Board. John Guskowski and Joe Budrow looked under subdivision regulations and alternative subdivision design. John Guskowski is not sure the cap

on rear lots applies and that it needs to be waived or whether it is a resubdivision. In the regulations, the only possible applicable section that could apply is regarding alternative subdivision designs. It is essentially a lot line adjustment. Why do they want to do this to the property? It is almost 40 acres. There is potential for a future road in there.

b. Receipt of Application – Vumbaco, Toby Hill Road

It is not an official application but this presentation is based on approval of the Westbrook plans. 3 of the lots are in Essex off of a cul de sac of a subdivision in Westbrook. There will be a stub of a road in Westbrook included that will be paved as requested from Westbrook as part of their approval. It could allow “daisy chain” subdivisions in the future.

John Guskowski, relative to Essex jurisdiction, raised for consideration a clause in the regulations regarding access from another municipality, “the commission may request assurance that access is legally established and that access is legally approved.” This means that Essex could postpone approval until the Westbrook section is built. Just because it has been approved in Westbrook doesn’t mean Essex is ready to go on this. There is very little recourse for Westbrook standing to send all this traffic into Essex. A problem is that the access intersection of Toby Hill and Pond Meadow is off site. Discussion followed on previous information that developer was willing to repair Toby Hill to town standards. Another issue is the site line at the intersection. It is potentially a problem and the potential of future “daisy chain” subdivisions that will put traffic onto that road. A possibility is to make Toby Hill one-way or right turn only. Westbrook accepted the Essex open space as suitable for their purposes. CRERPA has been involved.

4. OLD BUSINESS

a. Safe Routes to School

b. EPA Sustainable Communities

Recommendations were distributed. There is a strong recommendation for the Planning and Zoning Commissions to work together. Joe Budrow is interested in seeing what he can do regarding this discussion. Tom Danyliw asked that the Planning Commission formally forward this report to Zoning to open the door for discussion. Affordable Housing and mixed use are in the report. The Zoning regulations fail to match up with the Plan of Conservation and Development. It is a question of how aggressive Planning wants to be. The next step is for Joe Budrow, ZEA, and John Guskowski to see where the Zoning regulations and codes need to be changed to catch up to the Plan of Conservation and Development and report back. Claire Tiernan noted that the presenter was so adamant about the disconnect between Planning and Zoning. Tom Danyliw will contact Al Wolfram to have John Guskowski and Joe Budrow work together to identify specific areas.

c. Historic Preservation Survey & Planning Grant

The renumbering issue was discussed. John Guskowski is working with the assessor. In the 1978 application to the National Register Historic District delineated all the properties. Properties were readdressed so they don't match up to contemporary numbers. This process is ongoing.

d. Transportation Study

Full color hard copies are available in several places. There was discussion on what to do as a next step. To begin a process to prioritize, commissioners should read through the report and be ready to start the process in October. It may merit a special meeting. This will be discussed at the Sept. meeting and a date will be set for October.

e. Subdivision Fees Ordinance

John Guskowski reported that he has been back and forth in discussion with the Selectmen. Attorney Royston felt that throwing out the old ordinance was too drastic. The old ordinance empowered other commissions to collect fees. Ralph Monaco noted our intention was to make a new Planning Commission ordinance but not to replace what stands for other commissions. The proposed amendment restates the existing ordinance and benefits Planning. This issue will go back to the Board of Selectmen and Tom Danyliw will present. There are 3 points to be made. The difference in fees is minimal, and we need to demonstrate that existing fees are inadequate. A major change is to empower the commission to request review fees up front in escrow and draw those fees down as work is done. The Selectmen need to understand that the money has to come out of someone's pocket so the choice is out of general taxpayer dollars, or the developers who are benefitting. Claire Tiernan noted that this protects against huge attorney fees as with Hunters Trail Ext. John Guskowski will put numbers together showing actual and potential costs.

Motion was made by Ralph Monaco recommending that the Board of Selectmen to adopt the proposed amendment and restatement of an ordinance concerning scheduling fees in processing land use applications as presented at this meeting. **Seconded** by Claire Tiernan. **Motion carried unanimously.**

f. Affordable Housing

There was a request from EDC to verify if their list of Affordable Housing numbers is accurate. It asks if there are any new units. Affordable Housing would be deed restricted or subsidized senior housing. There have been none.

5. REPORT FROM COMMITTEES AND OFFICERS

a. Report from Inland Wetlands Representative

Claire Tiernan reported that they also had a presentation on Sunset Pond. Also discussed was the expectation that the Harbor Commission would like to work on public access on Novelty Lane. This is controversial because of a stone fence constructed on public property. In order to make it accessible, something needs to be done about the wall. There is concern about a drainpipe. It is not known where the water is coming from. This is making the public access swampy. The town engineer should figure out where this water is coming from. Wetlands can't look at the permit and make decision as to what the Harbor Commission can do until its determined where water is coming from.

b. Report from CRERPA Representative

Alan Kerr reported that CRERPA doesn't have a list of area-qualified engineers. John Guskowski is sure there is no list in the Northeast area either, however NECOG will be asked if they have such a list. John suggested sending out a request that asks for letters of interest. Someone can be chosen on ad hoc basis. Claire Tiernan feels there is interest in identifying potential qualified engineers. John Guskowski will draft a solicitation for letters of interest that will be posted.

c. Report from Economic Development Commission

There was nothing to report.

d. Report from Architectural Design Review Subcommittee

Neil Nichols reported that of the completed focus groups, there was a 14% response. 30-40 participants were expected, but 69 attended. Discussion was spirited and profitable feedback was received. The first section was discussion of character issues and significant loss. No one was against "some" guidelines. Broad acceptance of design review board for commercial but residential was not as well received. A Town father meeting is not yet done as well as commercial which will not include small home businesses but will be commercial owners. A request was made to be sure of representation from BOT. These will be held in August and should be prepared for a town meeting in Oct. This is a purely qualitative and informational in report. John Guskowski feels that the structure of this town government gives it a statistically higher reliability.

e. Chairman's Report

The contract with CME has been signed.

f. Planner's Report

SF1's came out which is the statistical snapshot of Essex from the 2010 census.

Highlights: Population has increased 2.7% over the last decade.

The median age in 2000 was 43.4, and in 2010 it was 49.2.

Children 18 and under dropped 2.4%.

Age 65+ has increased 16.3 %.

White population has declined 97.7% to 96.2% making a slightly more diverse population.

Number of households increased by 100. Non-family households have decreased.

Owner occupied housing units is up.

Senate Bill 760, passed but has not been signed by the Governor and changes bonding in subdivisions with the wording..."the commission SHALL accept surety bonds..." This removes latitude from commissions as to the type of bond they would prefer. Certain bonds are a problem in some towns. This is an effort to streamline the process. It also requires Commissions to respond to requests to release a bond within 65 days.

5. CORRESPONDENCE AND INVOICES

The Planner budget got cut last year, so money ran out in June. There were funds in the engineering line item so since John Guskowski has reviewed some engineering, that account was billed for his services. This was reviewed with Kelly Sterner.

Motion was made by Ralph Monaco and **seconded** by Claire Tiernan to approve the CME bill and the Royston bill. **Motion carried unanimously.**

The Affordable Housing Grant - Procedurally an extension has to be requested and requires Tom Danyliw's signature.

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Motion made by Claire Tiernan to adjourn at 9:00. **Seconded** by Ralph Monaco. **Motion carried unanimously.**

Respectfully submitted,
Sandra Meinsen
Planning Clerk