

ESSEX PLANNING COMMISSION

August 23, 2012
7:30 p.m.
Essex Town Hall – Auditorium

RECORD OF THE VOTE PUBLIC HEARING

Public Hearing (continued)

Subdivision Application: Ingham Hill Road (Map 93, Lot 1)

Call to Order and Seating of Members

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

Motion by Claire Tiernan and **seconded** by Carla Feroni to continue the Ingham Hill Public Hearing until September 13th. **Motion carried unanimously.**

REGULAR MEETING

The regular meeting was called to order at 9:50 p.m. by Chair Tom Danyliw. Seated for the Regular Meeting were Chair Tom Danyliw, Vice Chair Linda Herman, Carla Feroni, Alan Kerr, alternate Bob Laundy for Ralph Monaco, and alternate Claire Tiernan.

Motion to table the approval of minutes until the September meeting made by Linda Herman. **Seconded** by Bob Laundy. **Motion carried unanimously.**

Motion by Carla Feroni and **seconded** by Linda Herman to approve an extension request for the Vumbaco Subdivision - Toby Hill Rd. **Motion carried unanimously.**

Motion to amend to agenda to go to item 4.a. Foxboro Subdivision by Linda Herman and **seconded** by Carla Feroni. **Motion carried unanimously.**

Motion by Carla Feroni to go into Executive Session to discuss the issue brought up by counsel. **Seconded** by Linda Herman at 10:05 p.m.
Motion carried unanimously.

Motion by Carla Feroni and **seconded** by Bob Laundy to approve the following:
Whereas the Planning Commission agrees that the subdivision proposal meets the Subdivision Regulations relative to density and the suitability of the proposed lots to meet public health and safety standards;
But the Planning Commission believes that the applicant's proposal currently does not adequately satisfy the requirements of Section 5.8 of the Subdivision

Regulations regarding provision of open spaces that provide adequate land in fee for open spaces, provide for limited opportunity of the public to access passive recreational purposes; therefore

I move that the Planning Commission approve the subdivision the following modifications:

- Lot 6 be reduced in size to 60,000 square feet by excluding therefrom a parcel of land having 75' of frontage on Foxboro Road extending 200' feet along the westerly line of lot seven, then reducing the size of this excluded parcel of land from a uniform width of 75' to a uniform strip of 25' in width extending another 260' more or less to the edge of North Cove.
- The fee parcel created by this exclusion from Lot 6 shall be offered first to the Essex Land Trust, then to the Town of Essex should the Land Trust decline acceptance, then finally to a Homeowners Association to be created to manage this open space per the terms of the Subdivision Regulations.
- The Open Space conveyance shall be made subject to the following provisions
 - o There will be no buildings, structures, or other improvements on the property other than a bench or benches to allow visitors to view North Cove.
- The deed of conveyance of this open space will not restrict public access to the property but may restrict such access to daylight hours;
- The recipient of the parcel may impose such other restrictions of use as deemed appropriate.

All other other conservation and view easements and maps as proposed along with the June 13 subdivision plan as modified shall remain in effect.

Maps and documents in support of implementation of this plan shall be subject to verification and approval by the Commission's legal counsel prior to endorsement of the final plans.

Motion by Linda Herman to amend the original motion to include:

The applicant's offer of \$100,000 for fee-in-lieu of open space is not considered adequate to meet the Commission's needs for satisfying Section 5.8 of the Subdivision Regulations for this application and is removed as part of the modifications for this approval.

Seconded by Alan Kerr. **Motion carried unanimously.**

Motion by Carla Feroni that the Planning Commission respond to the referral by the Zoning Commission regarding the proposed relocation of a district line at 1 Foxboro Rd. We recommend that the request be denied because it is inconsistent with the Plan of Conservation and Development to reduce density. **Seconded** by Alan Kerr. **Motion carried unanimously.**

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

Motion by Linda Herman and **seconded** by Carla Feroni to adjourn at 12:35 p.m.
Motion carried unanimously.

Respectfully submitted,

Sandra Meinsen
Recording Secretary