

# **ESSEX PLANNING COMMISSION**

**October 13, 2011**

**7:30 p.m.**

**Essex Town Hall – Room A**

## **PUBLIC HEARING**

### **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, Vice Chair Linda Herman, Alan Kerr, Ralph Monaco, Neil Nichols for Carla Feroni, and alternates Bob Laundry and Claire Tiernan. Carla Feroni arrived at 8:15 pm. Planner John Guszowski was also in attendance.

#### **a. Proposed Resubdivision, Paul Vumbaco, Toby Hill Road**

Engineer and licensed Land Surveyor Bob Doane presented. This is a 3-lot subdivision and the property is located in the southwest corner of town. It spans the town line with 22 acres in Westbrook and 12.7 acres in Essex. The property accesses from Toby Hill Road. The applicant has been to Westbrook Planning and received approval for 7 lots in Westbrook, which includes approval of improvements to Toby Hill Rd and the construction of a roadway to be named Joseph's Circle. Mr. Vumbaco wants to continue the roadway another 200 ft. to go into the Essex portion to create 3 lots and open space. The roadway will terminate in a cul-de-sac, on the property. That roadway could be expanded in the future so it could come out onto Pond Meadow Rd. Soil testing has been done for sewage disposal, and there will be individual sanitary systems and wells. Each lot exceeds the 80,000 sq ft requirement. 6.3. acres of open space, including roughly 50% of the Essex land is being proposed. Both Essex and Westbrook Land Conservation Trusts created this in conjunction with open space in Westbrook. It should extend north to the Park Rd. ball field open space, south along Trout Brook, down to Toby Hill and to the Westbrook forest, creating corridor from Westbrook High School all the way to the Park Rd. ball field. This ties into existing open space at Mill Race in Ivoryton. ZEO Joe Budrow should be granting administrative approval after the Wetlands Commission meeting, as there is no regulated activity. Concern for the intersection at Toby Hill and Pond Meadow has been voiced, but will be improved by the applicant at his expense. Mr. Vumbaco's attorney was present. The application has been submitted to the town engineer, but the review has not been completed. He is requesting that the hearing to be kept open so the applicant can respond to Tom Metcalf's review. The roadway is not under Planning Commission jurisdiction. Tom Danyliw requested clarification on the open space. There will be 116,000 sq. ft. of uplands, 161,000 sq. ft. of wetlands. The open space meets requirements at 20.8 %. All high ground meets the requirement. Linda Herman questioned John Guszowski

regarding the intersection. They are town roads and therefore the town's problem. It is considered an offsite improvement. Planning Commission can consider the road situation with its affect on the Plan of Conservation and Development. The roads will not be improved to the extent that a school bus can go down that road. Children will walk through the area to get a school bus on Toby Hill.

Attorney Fitzpatrick stated that the applicant is volunteering to make improvements so it is appropriate for the Commission to discuss those improvements. Tom Danyliw responded that this should not influence the decision of the Commission in approving or not.

The improvements were presented. The width of Toby Hill will be increased to 22 ft., and site lines will be improved on the right side to make a right turn. Some trees on town property will be removed. The intent is to improve site line as much as possible. Grading is difficult to change. Ralph Monaco asked what the site lines would be. To the right, they are trying to get to 200 ft. and to the left it is fine. It requires awareness of the driver and a "double stop" to be a safe intersection. It is currently safer than it was, but will be further improved. A stop sign has been put in. The distance from the cul-de-sac to the intersection is 2100 ft. Standards for school buses were brought up. A school bus cannot make the right hand turn. From Essex a bus can go in and out. Westbrook has decided not to go in there with school busses. Attorney Fitzpatrick will bring school bus standards to the next meeting. The proposed driveway to the rear lot will be a 25 ft. strip and the drive is 10 ft. so it meets the requirement for the setback. Jennifer Behr, abutter, asked about timelines, and there is a 5-year window to build and a 5-year extension. Another comment was of concern for the intersection. On the question of maintenance, there will have to be an agreement between the 2 towns. The Westbrook approval included a 20,000-gallon water tank but emergencies will be handled by mutual aid.

Tom Danyliw asked about the proposal of a waiver on the rear lot and why not consider this under cluster conservation subdivision rules? Can't there be access from another way? Acreage meets the requirement for an open space subdivision. Bob Doane responded that the configuration of the houses would be the same whether it was an open space subdivision or not.

The alternative to not granting the waiver is that the driveway becomes a private street and 18 ft wide instead of 9 ft. He is trying to do the narrowest drive possible to serve the house.

Linda Herman expressed concerns for the driveway on both sides of the lot. There still needs to be a waiver for the 1/3-rear lots. In the totality of the property, it is not unique.

Neil Nichols requested a site walk for the Essex site. It was decided to schedule this for November 5 at 10 am.

John Guskowski reviewed pending documents: the sign off from Wetlands, Engineering review from Tom Metcalf, Fire Marshall approval, the archeologist, and some correspondence from the Board of Selectmen since they are the traffic authority, that they are amenable to the approval. Westbrook Planning will submit their referral after they meet next week. John Guskowski would like to see an indication from the Land Trusts that they are in support of this.

**Motion by Linda Herman and seconded by Ralph Monaco to continue the Public Hearing until next month. Motion carried.**

**b. Proposed Re-subdivision, Peterson, Rosewood Lane**

Bob Doane, Engineer, presented on behalf of Gregory and Ann Peterson. The proposal is to divide a lot on the end of Rosewood into two lots. It was originally part of the Woodwind subdivision. They added land to get 8 acres total. Access will be off a common drive, which will be constructed on town property, serving 2 houses. There will be individual wells. The applicant is asking for a waiver of rear lots, proposing 2.3 acres of open space as a conservation easement, which includes some wetland area. Tom Metcalf's letter was received today. There is a fire tank on the corner of Ebony and Rosewood. The common drive is available to serve a 3<sup>rd</sup> lot that is being constructed right now. John Guskowski recommends that the town deed the land to the owners so it becomes a private drive. Inland Wetlands approval was received. A site visit is scheduled for November 5 at 11:30. Ralph Monaco likes the idea of conveying the town owned land to the owners and receiving something in return such as parking for hikers/walkers for access to open space. John Guskowski reviewed items needing response: some indication as to the easement, who will hold the open space, the archeologist, Fire Marshall re: the fire tank, and initiation of correspondence with the Board of Selectmen.

**Motion to continue the Public Hearing was made by Alan Kerr and seconded by Linda Herman. Motion carried unanimously.**

**REGULAR MEETING**

**1. Call to Order and Seating of Members:**

Chair Tom Danyliw called the regular meeting to order at 9:00 p.m. Seated for the regular meeting were Chair Tom Danyliw, Vice Chair Linda Herman, Ralph Monaco, Carla Feroni, Alan Kerr, and alternates Bob Laundy and Claire Tiernan.

**Motion by Carla Feroni and seconded by Ralph Monaco to move agenda item 5.d. to item 1. Report from the Architectural Design Review Subcommittee. Motion carried.**

**2. Architectural Design Review Subcommittee Report**

Neil Nichols presented the report. He first reviewed the mission statement. The Subcommittee does not believe that the public is ready to accept historic districts or a comprehensive design review for both residential and commercial. The Subcommittee has selected six broad areas to address as beginning measures of planning protection.

- 1) A commercial design review process for new buildings and substantial renovations.
- 2) Application for a National Register of Historic Places listing for a section of Ivoryton as an honorary designation.
- 3) Change the current height cap from 30' to 35" for commercial to encourage more attractive streetscapes and vistas. 30' would be maintained for residential.
- 4) Revise coverage ratios for residential and commercial or replace with volume caps for parcel size and district.
- 5) Reconsider the Gateway Conservation District and Heritage Gateway District.
- 6) The Delay of Demolition Ordinance needs to have some changes to prevent loss of important architectural structures.

The next meeting will be a Public information meeting on November 2 at 7:00. The slide show and this information will be presented.

### **3. Approval of Minutes: September 8, 2011**

#### **Motion by Ralph Monaco and seconded by Alan Kerr to approve the minutes.**

Changes were made to 4.b. Transportation Study to read: Linda Herman suggested that the Transportation Study be put on the Board of Selectmen's agenda so it is addressed each month. It is incumbent on the Board of Selectmen to invite Planning, EDC and citizen groups to help steer implementation. The two prior sentences were deleted.

**The minutes were approved as amended.**

### **4. New Business**

None

### **5. Old Business**

#### **a. Engineering Consultant**

John Guskowski had conversation with ZEO Joe Budrow and Zoning and Wetlands are also concerned with the conflict of interest with current consulting engineers. A draft for advertisement to solicit possible engineering consultants was presented and will be firmed up for the next meeting.

#### **b. Safe Routes to School**

There is ongoing communication with DOT.

#### **c. Transportation Study**

Implementation Discussion will take place at a special meeting on October 26.

#### **d. EPA Sustainable Communities/Affordable Housing - Update**

Carry over to next meeting.

## **5. Reports from Committees and Officers**

### **a. Report from Inland Wetlands Commission**

Claire Tiernan reported that the driveway for the Peterson property was approved. The abutting property has, however, started construction without permits. Relevant to Architectural Design Review, a property on Mack Lane was hoping to be taken down by the owner and it is the second or third oldest home in town. There is another party now involved in the property and their plans are unclear.

### **b. Report from CRERPA Representative**

Alan Kerr reported that discussion on consolidation took place. The office will be moving at some point. Their Plan of Development document will be updated.

### **c. Report from Economic Development Commission**

Bob Laundry reported that they reviewed the Traffic study; they want the piece off exit 3 to be a priority. All the temporary signs off that exit were discussed with Al Wolfram, Zoning Chair in attendance. Enforcement of retail and tightening of definitions were also on their agenda.

The Novelty Lane project is almost done. Leftover money will be used for repairs on the town dock. Grant money is being used for this project. The Harbor Commission is involved. This has effectively changed the path of the drainage and created a footpath.

### **d. Report from Architectural Design Review**

Moderators from CRERPA were excellent in facilitating the focus groups.

### **e. Chairman's Report**

### **f. Planner's Report**

Report on the town's acquisition of the Mazda dealership property – It was hoped that FEMA funds could be accessed, but this hinged on the dealership being in the flood zone. The Selectmen commissioned a survey, specifically an elevation certification, and it is out of the flood zone and so it doesn't qualify. Brown fields will be discussed at the Selectmen's meeting next week. There is a lot of interest in the town acquiring the property so options will continue to be explored. It is served by town water so liability and risk to public health is very low. Draft wastewater report from Fuss and O'Neill and is being considered by WPCA. They are going to begin considering all options. The new chair is Susan Mallon. A seminar series is scheduled in the near future on land use.

## **6. Correspondence and Invoices**

**Motion to adjourn made by Carla Feroni and seconded by Linda Herman at 9:50 p.m. Motion carried.**

Respectfully submitted,  
Sandra Meinsen  
Recording Secretary