

ESSEX PLANNING COMMISSION

November 10, 2011

7:30 p.m.

Essex Town Hall – Meeting Room A

PUBLIC HEARING

Call to Order and Seating of Members:

Chair Tom Danyliw called the meeting was called to order at 7:35 p.m. Seated for the Public Hearing were Chair Tom Danyliw, Vice- Chair Linda Herman, regular members Carla Feroni and Alan Kerr, and alternate Bob Laundry was seated for Ralph Monaco. Absent were alternates Neil Nichols and Claire Tiernan. Planner John Guskowski was also in attendance.

Continued Public Hearings:

Vumbaco Re-Subdivision, Toby Hill Road

Engineer Bob Doane presented and addressed issues brought up at the last meeting. Justification for the waiver request was addressed. The application is requesting 1/3-rear lots, while the regulations say 1/5, and the driveway could be relocated as requested. Of the 12.82 acres, the area of the lots is 5.94 acres, the area of open space is 6.38 acres, and the area of high ground is 6.27 and 20.8% upland in the open space. 49.8% of the land area will be conveyed to land trust.

As an alternative to the waiver request, a private street could be done pursuant to Section 5.5.8 of the regulations. If this is done, it would change the first lot and have access off a private street. The waiver request allows a 12 ft. wide driveway instead of an 18 ft. wide roadway, to serve both lots with essentially the same layout.

In response to the design comment at the last meeting, the open space subdivision option was looked at, and Bob Doane feels this open space meets all requirements. A private street would address the rear lot, open space would be from the roadway to the stream, with open space at 8.24 acres total including wetland, 4.56 upland, and the area % would be 34.56. The downside of this is that this would reduce the lot size and make it difficult to have a barn on the properties. Bob Doane and Attorney Fitzpatrick were looking for a consensus as to which plan is preferable. They are waiting to hear from Town Engineer Tom Metcalf.

With the private street, it becomes more complicated with the same layout. It was questioned as to whether it is necessary to have a street into the cul de sac from Essex or whether one could come in from Westbrook.

The letter from the Westbrook Planner was referenced, and the recourse is for the town to assess the property owners. The Planning Commission doesn't have authority, but the town does have recourse. Tom Danyliw's concern is that there could be further development to the south without connectivity to Westbrook, with

all the traffic unloading into Essex. Westbrook could allow a huge subdivision that could feed into Joseph's Lane.

Attorney Fitzpatrick noted that after the last hearing all options were reviewed. The waiver option is preferred because it allows larger lots and has less impervious surface. The town has recourse in that they can assess the property owners for the road improvements as supported by a Supreme Court decision. The concern is the southern most area that could feed into Joseph Circle. John Guskowski reminded the Commission that Westbrook is going to accept 90% of Joseph Circle as a town of Westbrook road and therefore maintain it.

The open space subdivision requires a private road. It is shared maintenance in both cases. A waiver requires uniqueness. Bob Doane explained that it is a unique piece of property because it straddles a town line and has no access to an Essex roadway. It is unlike any property in town. Public or private access has to be developed. It does not have frontage on any Essex property, and the owner has abutting property in Westbrook.

It was asked why the access in couldn't be from Westbrook. This proposed development is based on the Planning Commission's response to the referral from way back and based on the approval from Westbrook. This is also planning for the future.

Were there other alternatives to avoid waiver request? Bob Doane explained that it was necessary to develop public or private access for frontage. The original plans had a cul de sac. John Guskowski offered that if it is turned into a town roadway, you can keep the cul de sac and do a 50 ft. strip that gets conveyed to the town for future roadway extension.

Linda Herman expressed preference for the open space preservation proposal because of the open space it protects and it eliminates the waiver request, which is a concern. Properties currently developing are the more difficult properties. It looks better to have one road and provide turnarounds. Bob Doane was asked if a 12 ft. drive could safely provide access to 3 lots. The waiver would make sense to allow a 12ft. common drive vs. an 18 ft. road. Linda Herman favors trying to reduce impact to the land. Alan Kerr was also interested in the open space configuration particularly if the 12 ft. drive allows for emergency vehicles.

Jerry Saglimbeni, builder, representing Vumbaco, stating that they are hoping to allow for barns on the properties including those on the Westbrook side, and the cul de sac is preferable for barns. Barns are part of the marketing. Carla Feroni also voiced support for the open space design as a better fit to the land and creating fewer disturbances to the land.

To summarize, members preferred open space, understanding that this supports the waiver for a common drive to avoid the private street. John Guskowski is in agreement with eliminating the private road to make a driveway with the waiver. The town would own the strip and rights for grading (in the future) in the event the connection is made. John Guskowski feels this is sound logic. Bob Doane noted by eliminating the roadway and cutting it down to a 12ft drive, it meets the requirements of Section 7.3.1, reduces construction costs, and satisfies open space. For children walking to a bus, there will be sidewalk. Joseph Circle has a sidewalk, and there will be a waffle packed sidewalk along Toby Hill Road. Attorney

Fitzpatrick made school district guidelines for walking available. He also had a letter from archeological center and offered the submissions made to Westbrook as part of the record. Passive solar energy was in the application.

John Guskowski will need an official request, and is awaiting the Town Engineer (Tom Metcalf) review. The Fire Marshall will have to look at the revisions and correspondence with Land Trust in both towns to indicate they are on board for this arrangement is needed. The Essex Board of Selectmen needs to agree to the improvements to Toby Hill.

Attorney Ned Fitzpatrick for the applicant, requested to extend the Public Hearing through to the next meeting.

Motion to extend the Public Hearing on the Vumbaco subdivision made by Linda Herman and **seconded** by Bob Laundry. **Motion carried unanimously.**

Peterson Re-Subdivision, Rosewood Lane

A site walk of the property took place last Saturday. Bob Doane presented for the applicant and noted that plans haven't changed significantly. Town Engineer Tom Metcalf's review has been received. His concerns were addressed, including an easement for the driveway. Power will be underground. The driveway will be a common drive that will serve all 3 lots.

Linda Herman requested the original drawings for the Woodwind development. It is in the town's regulations and the Plan of Conservation and Development to encourage connectors. Discussion ensued regarding the driveway over town property, construction of the driveway on someone else's property. It wasn't originally permitted in some form or another, so it's an enforcement issue. If there was to ever be a town road, they could create a road and assess the owners. The regulations state a waiver needs to define uniqueness and that needs explanation. Uniqueness is that it is a piece of property on the end of a cul de sac that is better served by a common driveway with a 180 ft. strip of town property. This will go to the Board of Selectmen for a driveway permit. It will continue to be town property but won't be maintained by the town. The owners on the drive will need a hold harmless agreement. John Guskowski reviewed the checklist needed, the state archeologist letter, correspondence from Fire Marshall, and the disposition of the open space and who will hold the easement.

Bob Doane requested extension of the Public Hearing until December.

Motion by Linda Herman and **seconded** by Bob Laundry to continue the Public Hearing of the Rosewood Lane subdivision until December. **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, Carla Feroni, Alan Kerr, and Bob Laundry for Ralph Monaco.

Approval of Minutes: October 13, 2011

Motion by Alan Kerr to approve the minutes of the October 13, 2011 meeting and **seconded** by Bob Laundry. **Motion carried.**

Approval of Minutes - October 26, 2011

Motion to approve Bob Laundry and seconded by Alan Kerr. The motion was withdrawn.

These will be reviewed at the December meeting.

New Business

WPCA Discussion

Susan Malan, new chair of WPCA, presented. Alan Wolfram, a member of that commission, was also present.

The 1998 plan is not sufficient. Susan is gathering support from the various Commissions and looking for funding to update the Facilities Management Plan. DEP ordered this years ago, and it includes managing wastewater, wells etc. Al Wolfram noted that it would dovetail into all the other current work by the Planning Commission. With support, WPCA will then go to the Board of Selectmen and Board of Finance to ask for funding.

The 1998 study looked at what to do in Essex. The sewer avoidance ordinance came out of that. Planning does not currently have representation on WPCA.

Al Wolfram reiterated that this is not under order to complete, so that is why support from various Commissions would be important in looking for funding and presenting to the Board of Selectmen. Planning has been proactive, so an update to wastewater management makes sense. An outside consultant would be used. Fuss and O'Neill did the last one. There would be a Planning component. Input from the Board of Selectmen is needed as to how to proceed. John Guskowski may have some possibilities for granting opportunities and CRERPA may be a resource.

Motion by Alan Kerr for the Planning Commission to write a letter of support for WPCA to pursue a wastewater management update. **Seconded** by Bob Laundry. **Motion carried unanimously.**

Old Business

Engineering Consultant

Proposed language for an RFQ for engineering consultants was reviewed. Wetlands and Zoning are interested in piggybacking on the process.

Motion by Carla Feroni to proceed with putting out the RFQ for on-call engineering services for Essex. **Seconded** by Alan Kerr. **Motion carried unanimously.**

The deadline for application will be December 16. The posting will be in the Hartford Courant as well as other relevant websites.

Transportation Study Implementation

John Guskowski reviewed the 7 areas that were identified; markings and signage, Gateway area and closure of Frontage Rd., sidewalk focus group, biking group, Safe Routes to School, Ivoryton traffic calming and crosswalks, Grove St. traffic calming through an ad hoc committee.

Susan Malan reported regarding the Grove St. issue. She has the basis of a group to address the concerns with Grove/ N.Main / West Ave. TOPPS, an acronym for Traffic Options Pilot Promoting Safety was suggested. Crosswalks and speed are the main issues. There are granting opportunities for traffic calming. Carla Feroni feels we don't need another study. Trying things out would be the focus of the pilot study. John Guskowski clarified that there is a lot of information out about traffic calming so it would mean trying some things out to see what might work. It is broader and about safety. The idea is to come up with ideas for the loop of West Ave./N.Main St./Grove St. The Planning Commission would create an ad hoc subcommittee. The Selectmen should approve this as the Traffic Authority. Susan Malan proposed including representatives from Ivoryton and Centerbrook. This expands the scope. Linda Herman felt that it is critical to first get the support or thoughts from the Selectmen, and for what type of activity. This may have to be directed by the Traffic Authority. It should be presented on a small scale. Alan Kerr wants to see it limited in scope in the beginning, as it is easier to present it if it's small.

This, along with the Transportation Study, will be discussed thoroughly at the January meeting.

EPA Sustainable Communities / Affordable Housing

Tom Danyliw raised the question regarding John Guskowski working with ZEO Joe Budrow on where inconsistencies exist between the Plan of Conservation and Development and zoning regulations. He requested that they start cataloguing specifics. The possibility of proposing new accessory apartment regulations had been discussed. This was a major recommendation from the EPA study and had some specific recommendations. John Guskowski will move forward to address the specifics of where Zoning regulations don't match the Plan of Conservation and Development.

There was discussion on enforcement and who administers different areas of the sign off sheet for applications.

Reports of Committees and Officers

Report from Inland Wetlands

None

Report from CRERPA Representative

More discussion of consolidation and the possibilities of moving the location.

Report from Economic Development Commission

None

Report from Architectural Design Review

None

Chairman's Report

None

Planner's Report

Marianne Pleva from the Conservation Commission wants a joint meeting with Torrance Downes from Gateway, proposed changes to Gateway regulations and to once again, try to get Essex to sign on. This will have to be put off until February.

Correspondence and Invoices

None

Linda Herman brought up the recent site walks and feels that having John Guskowski present would offer a valuable perspective.

Adjournment

Motion to adjourn at 10:10 by Carla Feroni and **seconded** by Linda Herman.
Motion carried.

Respectfully submitted,

Sandra Meinsen
Recording Secretary