

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, February 2, 2022 - 7 pm

Board Members present: Board Members: Terry Mott, Gordon Stringer, Case Smeenk, Nate Duffy, Dawn Kane – Code Enforcement Officer

Public Present: Austin Littiard, Ted Carman, Dan O'Brien, Esq., Rocco Venezia, Don Cheney, Esq.

Agenda: Application for FNS Development LLC, Jeremy Fields

Meeting was called to order at 7:02 pm

CEO Kane announced that the required publication was not posted to notify of the February meeting. Therefore, there will be no voting at the February 2, 2022 meeting. At the meeting there will be discussion of the ROW and distribution of the Stantec review to the board members and the agents of the applicant.

Site Plan Reviews

1. App. # 120721-SPR/ FNS Development LLC represented by Venezia & Associates requests Site Plan Review for new construction of a single-family residence, Tax ID #11.35-1-3.3, (LR).

CEO Kane introduced the agent for FNS Development and the documentation from Stantec.

Rocco Venezia introduced the site plan for the FNS Development/Jeremy Fields project. There is health department approval for the septic system. This project is a request for a permit to build a house, retaining walls and a driveway. It is very minimal disturbance. Low impact. There was discussion about the walls in the letter from Stantec about having an engineer design it. Jeremy said those are older walls and that we don't need an engineer for an older wall.

CEO Kane stated that the walls were going to be a discussion at the permitting level through Stantec.

Board Member Stringer inquired as to why one wall is not sufficient.

Rocco Venezia explained that when there used to be vineyards on the hills, they would create a terrace. So, they created a terrace, stepping down with a couple walls. It is very effective and sturdier. Each wall has a lot less pressure.

Board Member Stringer inquired if the check dams will be removed once seeded.

Board Member Mott inquired about stairs and dock not being part of site plan and suggested it be removed from the site plan as any future additions will be addressed on a new site plan for any future development. There is confusion with the details for the check dams. They should be referenced at the top of the plans. Section AA and BB should be switched on the upper left corner of the plans. It should also be referenced where the check dams are. They appear to be randomly placed. There should be a reference for the staging area for construction and it should be shown on the map. It is a very steep slope with a lot of erosion, and it needs a staging area. The detail for the drain basin shows a 12" culvert that is taking care of the water. Suggested an evaluation for the other one by the driveway behind the east side of the house. There is a calculation for the one heading down the headwall on the south side of the house and another catch basin just behind the house on the west side of the driveway heading back to another headwall. Details should be referenced.

Rocco Venezia stated that the stairs and dock are on the plan with a notation that they will be added in the future. He agreed to remove that notation. The check dam on the right-hand side of the driveway makes sense to slow down that drainage. We will add more detail about the check dams and will get clarification on the catch basin. The only staging area is a stabilized construction entrance and there is no other place for it.

CEO Kane stated there is a preexisting road that comes off East Lake Road. It is very stable, wide, and well sloped. The house is located down the first S-curve. That is a flat area and is where the entryway is going to be. That is about the only level area on that slope that they can stage anything. And there is room backing off there into that road.

Board Member Duffy inquired if construction vehicles and storage of materials will be located at the staging area.

Rocco Venezia stated that the cars are going to be parked on the private drive. There is a wide area on the road when you first come in.

Board Member Mott suggested extending the silt fence from the southerly limits that are shown on the west side of the property out to the existing driveway.

Rocco Venezia agreed to extend the silt fence.

Board Member Smeenk inquired on the depth of the area of the swale and ditch on the north side of the house and how far away the outlets extend.

Rocco Venezia stated that to the northeast of the driveway the drainage details are rim 7.77 and invert 7.73 so the depth is 4' deep. As far as the outlets, one extends 6' and the other one goes out into the ditch. The ditch on the north side of the house is maybe 8'.

Board Member Duffy suggested extending silt fence to the southern property line down the hill towards the lake and extend it all the way to the northern property line on the lakeside and show details where cars will be parked.

CEO Kane stated that there are two new houses down there this will be the only project. There is a pull-off at the top with parking, a pull off at the bottom, the construction entrance and they can park down the road. There are three areas outside of this entrance where they can park vehicles and can get emergency vehicles down. She suggested notifying the other two neighbors. Although verbal approval was received on the septic, make sure that it does conform with the original plan and the disturbance stays within that steep slope application. If the walls are rocks, they are driven by manufacturer specifications so that will go back to Stantec if it doesn't require any variances or any further excavation. Remove the dock and staircase from the plans. This will all be addressed and reviewed at the next meeting on an updated map.

Board Member Mott inquired if there is a timeframe when all the comments and revisions to site plan will be back to have time to review and what Tom has to say. Also, if there are issues that haven't been addressed should we tell our applicant that they need to take care of all the addressed items.

Rocco Venezia stated that they will not provide an incomplete plan.

CEO Kane stated that this is a preliminary review, and this will come back complete by the next meeting.

Don Cheney representing FNS Development LLC stated there was some question as to the Rents, the neighbor Mr. Carman and the right of way that exists for access to and from the lake on this property. They pulled deeds and back title and drafted a couple letters. In the written documents it is clear where the easement is. The language of it would say it is 6' following the center line of that gully. The survey is going back into the 60s or 50s showing it as a straight run down there, which he thinks for survey purposes it is tough to survey from the centerline of a gully. It is always changing, and it is a lot of work. So, the 6'

easement exists, it's in that general location that Rocco has shown. He doesn't think that anything Jeremy is doing is going to interfere with those rights of access. He can't build within that setback without variance relief. The rights exist, they recognize it exists. They don't plan on interfering and do not want to go to court. No construction will interfere with rights of access.

Dan O'Brien representing Edward and Susan Carman stated that they are the owners of property across East Lake Road from the property that the applicant owns, and it is under review. There is a right of way that extends down from East Lake Road to the lake. There has been an exchange of correspondence between Mr. Cheney and me. They are hoping that with this extra month it will give Mr. Cheney, him and their respective clients an opportunity to sit down and talk and see if they can get something that gives them the confidence and assurance they need and that the plans will not include any potential infringement of the right of way. And as he said in his letter, the Carman's don't want to impede the progress of this building process and development they just want to make sure that the rights are protected, and he thinks that if the parties act in good faith they can get that resolved before the next Planning Board meeting.

CEO Kane suggested that everyone review the minutes from last month so that they can be approved at the March meeting.

Meeting was adjourned at 7:38 pm

Draft Minutes submitted by Laura Ann Chamberlain
Minutes approved on 3/2/2022