

To Diane Williamson, Planning Board
Edward Tanner, Zoning Board
Nathan Calouro, Town Council
Chris Parella, Department of Public Works

May 1, 2023

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This letter is being sent because of a Zoning board request by Daniel and Lillian Leiser of 12 Brookwood Road. Their request has been forwarded to the Planning board. The initial request was for 2 setback variances (12 ft. and 4 FT.) for a stand-alone (24' by 26') 2 car garage, with storage on a second floor with a shed dormer and an indoor staircase in a 20 ft high structure, on a 50 by 100-foot lot. The plan did not include any access to the garage which abuts town property.

This letter is being sent to the Zoning board, Planning board, Town Council and Department of Public Works since they all may potentially play a role in assessing this situation.

At this point the zoning board has not approved or rejected this application. This letter is not being written to facilitate the approval of the application, but to share our knowledge of the complex situation that exists on Fenmore Road. We can share the experience of over 40 years of communication with town officials on this topic but realize it still may not encompass every detail that needs to be considered. Some information provided has recently been obtained from town officials.

HISTORY

Starting in 1976, Richard Rinaldi began to acquire some lots on the undeveloped Fenmore Road. At that time, he was advised that Fenmore Road would eventually be developed to join Brookwood.

He continued to purchase additional lots through 1984. In subsequent years, when he asked about the road, he was told by the town administrators and other town officials that the road would end at his property line and remain a dead end. The town position was that it was not cost effective to pave the rest of the paper road, since no new tax revenue would be generated. He was assured that the road would remain open at Brookwood and clear in order for emergency vehicles to have access to Fenmore, especially because of the proximity to the Brookwood fire hydrants. The communication was the same from various town

officials in different departments over subsequent years, as recently as when Fenmore road was paved (2020). Over the years, the residents on Fenmore lived with that decision, even when it meant the inconvenience of no mail delivery to their home address.

During these years, residents in the area became accustomed to the unpaved land being used by children playing, as a public walking right of way, as a local shortcut to access the water for recreation etc. No motor vehicles were supposed to be able to be driven through the unfinished portion of Fenmore road, which needed to remain open.

In 2001, the then resident of 12 Brookwood Road asked for a license to maintain the unpaved part of Fenmore road near her property, in order to park 2 vehicles next to her home one behind the other. She had chosen to remove her existing paved off-street parking from the front of her home, in order to plant grass. When the license was approved, she proceeded to add 2 -3 feet of fill/gravel to the public land raising its height. She also moved the existing swale to the northern side of the road but didn't maintain its depth. This move resulted in a backflow of water up onto the middle of Fenmore road, resulting in freezing ice on the road in front of a home. and raising concerns over wells being compromised. The unpaved road needed to be lowered, and the swale needed to be deepened. Neighbors who observed the corrections, said that town vehicles would repeatedly visit the site in order to correct the problem. However, the 12 Brookwood resident should have been responsible for the solution and cost of the remediation. Our understanding that a license to maintain includes financial responsibility for any consequences that arise from the actions of the applicant.

She also parked 2 cars side by side in the middle of the road blocking easy access. She was only given permission for a 10-foot-wide gravel area for parking her cars and needed to be told by town officials to reduce the width to the approved size. There is a long history of problems and misunderstandings about the unpaved portion of Fenmore Road. There also is a history of abusing license to maintain privileges in this area.

The unfinished portion of Fenmore road has recently had some motor vehicles driving through it. Of late, various town officials have given different answers about whether this is allowed, resulting in some heated discussion among residents. This issue needs to be resolved, if only for the safety of walkers.

The following information are issues to consider.

DISCUSSION POINTS/ISSUES

1. PAVE THE ROAD TO BROOKWOOD

- a. The road should be a legal size with legal land setbacks for sidewalks (developed or undeveloped)
- b. For over 40 years, residents have been told there would be no thru road because it was not cost effective.
- c. Concerns about increased water run off need to be evaluated, consistent with new EPA regulations.
- d. The water would flow more quickly down Fenmore, with less pooling on the upper part of the road.
- e. Road should be passable by emergency vehicles as promised over the past 40 years, **especially to access closest fire hydrants on Brookwood.**
- f. Consideration for parking on one side of the street to allow for large emergency vehicles to pass.
- g. A thru road would allow for mail delivery directly to Fenmore Road addresses.
- h. The road would change the present use of the land by residents and visitors.
- i. Would clarify vehicular passage issue.

2. UNFINISHED PORTION OF ROAD TO REMAIN AS IS

- a. Will need clarification by all town officials about what activities are allowed on this land.....passage of vehicle's, parking on the property, blockage of open passage for emergency vehicles.
- b. Enforcement of the license to maintain as necessary when the use of town property is involved.
- c. Clarify the liability of the town if vehicles are damaged by driving over the swale.
- d. The establishment of signage indicating what is allowed and planning that such signage does not block emergency access.
- e. The town would maintain a consistent position of not finishing the road.

3. POTENTIAL SUGGESTION BY LEESER'S ARCHITECT AT ZONING MEETING

Extend the paved portion of Fenmore Road for driveway access to Leeser's garage.

- a. This activity will need a license to maintain since it is on town property.
- b. It is our understanding that this option would be at the expense of the applicant, inclusive of necessary maintenance or consequences resulting from its installation.
- c. This extension should meet town standards for road development.
- d. Road would need signage saying no parking at end of new pavement to avoid emergency access route being blocked.
- e. All signs should not block center of road.
- f. Road would need to be developed with appropriate pitch relative to land in front of it to avoid water backing up on Fenmore Road as it has in the past.
- g. If water will drain more quickly down Fenmore Road to Brookwood, a plan will need to be developed for additional run off.
- h. Would still need to address parking issues on the remainder of the unfinished road.
- i. Need to clarify responsibility and process for snow removal beyond the official dead end of Fenmore road.
- j. Resolution of vehicular and /or foot traffic access

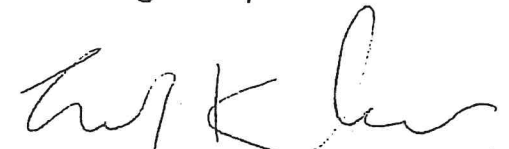
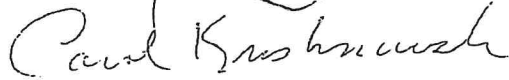
We feel in all fairness to residents that any decision regarding this property should be open to a public meeting with notice. Thank you for considering our input.




Richard and Eileen Rinaldi

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Eric and Carol Krushnowski

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