



ESSEX PLANNING COMMISSION

REGULAR MEETING

Thursday, September 14, 2017

7:30 p.m.

Essex Town Hall – Auditorium

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Alan Kerr called the meeting to order at 7:30 p.m. In attendance were Members George Sexton and Ralph Monaco. Seated for the meeting was Alternate Erin Bogan. Also in attendance were applicants Bob Doane, Gary Dayharsh, Planner John Guskowski, and members of the public.

Chairman Kerr noted that Members Tom Danyliw and John Bairos both submitted their resignations from the Commission to the First Selectman this week, and replacements would have to be appointed.

2. Approval of Minutes: July 13, 2017 Regular Meeting

Motion to approve minutes of July 13, 2017 by Ralph Monaco, **seconded** by George Sexton.
Motion carried unanimously.

3. New Business

- a. **Application for Subdivision Modification: Activity in Conservation Easement at 9 Foxboro Road (Map 16, Lot 12-7). Applicant: Norman Needleman & Jacqueline Hubbard**

Applicant's representative Bob Doane, PE, described the proposed project to take place on the northerly lot of the Foxboro Point subdivision, adjacent to the former "Windmill" property. The applicant sought to install a footing drain outfall and a rain garden in the Conservation Easement area, and to develop a 5-foot wide footpath across the Easement area to access a common dock anchored off of the Windmill property (outside the subdivision limits). The dock had been permitted by DEEP, and serves all of the subdivision properties, who by a separate agreement have a common walking path outside the Conservation Easement area. The proposed footing drain will daylight into a recessed area and have modified riprap to avoid erosion, and would be on

the far side of the bluff, not visible from the road. The rain garden will be recessed two feet and will be planted with natural vegetation. The alternative would be to install stormwater galleries outside the Easement area, but this would involve greater expense and a sump-pump system with generator backup. The slope of the property and depth of the footings would require a gravity drain system to daylight into the Easement area.

John Guszkowski noted that upon initial read of the Conservation Easement language that the foot path would be allowed as of right without modification to the Easement and the potential connection to the dock was immaterial to that issue. There was also discussion about the Conservation Easement and View Easement relative to the proposed rain garden. It was determined that as long as “shrubs” were not included in the proposed planting, it did not create any problems for the View Easement terms. Bob Doane stated that he would clarify this in the planting details. The Commission clarified the different alternatives and the fact that the drafting of the original Conservation Easement document did not anticipate footing drains.

John Guszkowski stated that, in his opinion, the efforts of the original developer/applicant to circumvent the intent of the Conservation Easement and discouragement of dock installation did not present a good-faith effort that needed to be rewarded by the Planning Commission’s consideration of this matter. That said, he also believed that the proposal was a relatively minor drainage matter that did not necessarily compromise the intent of the Easement. He requested that the Commission consider whether they wished to have an engineer/environmental specialist and an attorney review the proposal. Ralph Monaco noted that given that each property, when developed, may have a similar drainage issue and that the Commission may wish to consider the precedent of their decision. Erin Bogan noted that the Easement prohibited activity that would negatively impact wildlife, and Bob Doane replied that the area was already maintained by mowing, and with the rain garden, the long-term impacts would be reduced. Chairman Kerr stated that the overall proposal was reasonable, but agreed that the terms of the Easement created a difficult situation for consideration. Bob Doane stated that while the proposal was not intended to “improve” the Easement area, it was a natural drainage approach that was in keeping with the spirit of conservation. He stated it was unfortunate that the Easement did not anticipate drainage issues and best practices.

John Guszkowski stated that the Commission should determine the sort of reviews it wished to have conducted, and per the application fee ordinance, these consultants would forward their estimates to the applicant for payment. Bob Doane stated that, depending on these costs, the application may be withdrawn and a non-easement solution would be pursued.

Motion to refer the matter to the Town Attorney to review the application and notify the Commission of options available if they wish to approve the proposal as being with in the spirit of the Conservation Easement by Ralph Monaco, **seconded** by George Sexton. **Motion carried unanimously.**

Motion to refer the application to CME Associates for engineering/environmental review to consider impacts to the Easement area by Chairman Kerr, **seconded** by George Sexton. **Motion carried unanimously.**

Motion to continue discussion of the application at the October 12, 2017 Planning Commission meeting by Chairman Kerr, **seconded** by Ralph Monaco. **Motion carried unanimously.**

b. Zoning Map Amendment Referral: Expansion of Rural Residential Multifamily District (RUM) to include two additional parcels fronting Main Street, Ivoryton

John Guszkowski presented an overview of the proposed map change, which would place the Ivoryton Congregational Church and its parking lot into the RUM district, allowing multifamily uses. Applicant Gary Dayharsh addressed the Commission, stating that his ultimate goal was to convert the interior of the Church to four residential condominium units, but the parcel was originally split into two zoning districts. John Guszkowski stated that, as this was a Zoning Referral, the Planning Commission's opinion of the application should be based in the goals and recommendations of the Plan of Conservation & Development. He stated that because Main Street is along one of the major inter-village corridors, the PoCD encouraged an intensification of activity, residential density, and variety of uses. While the RUM density is still quite low, this is not an ideal solution, the change of district was in harmony with the PoCD. Erin Bogan noted that this increased density and expanded housing opportunity are exactly what the PoCD was calling for. Gary Dayharsh noted that he would be seeking a variance to allow more than one unit per acre in terms of density. Ralph Monaco stated that he believed the proposal was strongly consistent with the PoCD.

Chairman Kerr stated that, by consensus of the Commission, the application should be given a favorable review.

4. Old Business

a. Ad-Hoc Committee on Housing Needs

Chairman Kerr reported that the Ad-Hoc Committee was starting slowly, still assembling resources and membership. Thus far he had two interested participants. He repeated his invitation to Commission members to join the Ad-Hoc, and will be participating himself. Ralph Monaco suggested contacting Peter Decker, a neighbor with development experience. John Guszkowski stated that perhaps the new Commissioners to be appointed could be solicited as well. He further recommended that the charge of the Ad-Hoc could be expanded to the development of a five-year Affordability Plan, as mandated in newly-enacted Public Act 17-170.

b. Zoning Revisions Subcommittee – Update and Discussion

John Guszkowski reported that the Subcommittee would be having one more editorial meeting to review proposed changes before submitting the complete draft to the Zoning Commission for consideration and scheduling of a public hearing. It is likely that the Planning Commission will be referred the complete document around December. He stated that there were still several significant gaps and unaddressed issues, such as accessory apartments (still pending before Zoning, for possible action this month) and parking regulations in Essex Village.

5. Report of Committees and Officers

a. Report from Inland Wetlands Representative

The Planning Commission has no active representative to the Wetlands Agency.

b. Report from RiverCOG Representative

Alan Kerr reported that the RiverCOG meeting in August was cancelled.

c. Report from Economic Development Commission Representative

George Sexton reported that the EDC had a number of updates, including: the Essex Chocolatier was now open, as is the newly-renovated Olive Oyl's, the Essex Duck Shop, and Earth, Wind & Fire Pottery Gallery in Essex Village. A room above the Christmas Barn and above the Red Balloon are being sought as residential units. The Essex Boat Works expansion application was approved by Zoning. The Scotch Plains Tavern (former Oliver's) is preparing to open. The EDC is submitting edits to Google Maps to allow tourists and visitors to better find Essex shops.

d. Planner's Report

John Guskowski reported that the Walnut Street Bridge replacement is proceeding, albeit with some minor slowdowns and ongoing negotiations with the contractor. He reported on a presentation about planning activities and sidewalk expansion plans to an audience at Essex Meadows. He referred to recent population projections prepared by the CT State Data Center and how Essex is projected to lose significant population, largely in the under-35 age demographics, over the next twenty-five years.

6. Correspondence & Invoices

There was no correspondence or invoices.

7. Adjournment

Motion to adjourn by Erin Bogan, seconded by George Sexton. Motion carried unanimously.
Meeting was adjourned at 9:01 p.m.

Respectfully submitted,

John Guskowski
Consulting Town Planner

RECEIVED FOR RECORD
09/15 2017 at 3:55 P.M.
Janne M. Bogieck
ESSEX, CT - ASSIST. TOWN CLERK