



## ESSEX PLANNING COMMISSION

### REGULAR MEETING

Thursday, October 12, 2017

7:30 p.m.

Essex Town Hall – Meeting Room A

### 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 were Alternates Gary Riggio and Jane Siris. Also in attendance were Alternate Erin Bogan, applicants Bob Doane, Patty DeVinney, and Planner John Guskowski.

#### 2. Approval of Minutes: September 14, 2017 Regular Meeting

Motion to approve minutes of September 14, 2017 by Ralph Monaco, seconded by George Sexton. Motion carried unanimously.

#### 3. New Business

##### a. Consideration of Open Space Tax Abatement Petition: DeVinney Property, Saybrook Road (Map 74, Lot 14)

John Guskowski provided an overview to the review process for open space tax abatements established in the Plan of Conservation & Development and adopted by the Town Meeting. The October meeting was established for the Planning Commission to review appeals to properties that didn't automatically qualify for the abatement, and the DeVinney property was the only submitted appeal. This appeal had been denied by the Planning Commission last year. Patty DeVinney spoke on behalf of her family's appeal, reviewing the family history of owning the parcel back to the 1840's, its location along South Cove and potential and intent as conservation land. Chairman Kerr asked about selling or donating the property for permanent conservation. Jane Siris asked about public access to the property, which would require ownership. The Commission had a general discussion about the value to the Town of the open land (via tax abatement) relative to the tax value lost over the ten-year abatement window. Gary Riggio inquired as to the ability of the Commission to establish a narrower window of negotiation for acquisition. Patty DeVinney discussed the uncertain expectation for sales but expressed concern that the high tax burden may

force the family to consider selling for development purposes. John Guskowski noted that the property would be an excellent spot for a pocket park and small boat launch area for the community, but had not assembled any formal negotiations about acquisition. He noted the Planning Commission's control of the Open Space Acquisition Fund, but that a group should be assembled including representation from the Conservation Commission, Parks & Recreation, Selectmen, and the Land Trust.

Chairman Kerr reviewed the policy criteria and questioned whether the property could be considered as advancing the conservation and open space goals of the PoCD. The Commission discussed the value of unprotected versus protected open spaces and the ability of any particular property to qualify under these criteria. Chairman Kerr inquired about the timing of decisions on open space abatements, and John Guskowski noted that the application deadline to the Assessor was November 1, but that the Assessor did not necessarily lock in those abatements until the following month. Chairman Kerr asked if the Town Attorney could be consulted on the question of whether the Commission could recommended or establish a negotiating window of less than ten years for the abatement.

**Motion to table the discussion to the next meeting and to request legal guidance from the Town Attorney** by Gary Riggio, **seconded** by Ralph Monaco. **Motion carried unanimously.**

Chairman Kerr thanked Patty DeVinney for her attendance and participation, and assured her the Commission would seek a way to reach a mutually beneficial solution.

#### 4. Old Business

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

John Guskowski referred to the letter that was submitted by Attorney Royston, dated October 12, 2017 about the process and authority of the Planning Commission. He noted the final sentence of the letter, stating "The Planning Commission does not have the authority to amend the Declaration but rather must assure that any activities within the Conservation Restriction Area are authorized." He then noted that any reading of the restrictions quite clearly do not allow the construction of the proposed rain garden or installation of drainage structures and outlets, so there really could be no amendment or finding of appropriateness. He stated that the walking path probably could be found to be an appropriate activity. He also noted the Conservation Commission had submitted a memo of opinion on this matter, but also that the proceedings were not a public hearing.

Bob Doane, PE, LS, on behalf of the applicant stated that this was very unfortunate and the easement language probably should have considered the topography of the site and anticipated drainage concerns. He stated that the drainage will have to be re-designed or re-routed to avoid activity in the easement area. He made a verbal request to modify the application to remove any proposed drainage activity in the conservation easement area and restrict the request to the minor grading work to enable the walking path. Ralph Monaco questioned whether that grading was allowed, and Bob Doane discussed the exemptions from the easement activities and how a 5' wide walking path was allowed on each lot. He stated that he would provide additional detail on erosion & sedimentation control for this work per the review engineer's letter.

The Commission had a short discussion about the appropriate motion or finding to indicate the activity was authorized.

**Motion to issue a finding from the Planning Commission that the installation of the proposed grassed walking path and associated minor grading as presented is appropriate activities per the terms of the Conservation Easement** by Ralph Monaco, **seconded** by Jane Siris. **Motion carried unanimously.**

**b. Zoning Amendment Review: Accessory Apartments (Section 45)**

John Guskowski presented the latest draft of the Zoning Regulations as discussed by the Zoning Commission. This included four or five additional changes to the “compromise” regulations that the Planning Commission (as applicant) agreed to back in November 2016, including reductions in maximum square footage, required compliance with setbacks, and optional interior door in the Rural Multifamily District. The Commission had a general discussion about the intent of the regulations and the procedure of commenting on these proposed changes.

Chairman Kerr determined that, by consensus, the Planning Commission believed that the 850 square foot maximum was too low, but the Commission would not present any formal objections to the current draft of the Section 45 amendment as presented by the Zoning Commission.

**c. Ad-Hoc Committee on Housing Options**

Chairman Kerr noted that he was successful in recruiting a small number of Committee members, including Dawn Boulanger, realtor Maureen O’Grady, Peter Decker, and Dawn Parker. He would be seeking to schedule an initial meeting shortly.

**d. Zoning Revisions Subcommittee – Update and Discussion**

John Guskowski reported that he participated in one editorial session in September and one more was scheduled for late October, and it would be likely that the full draft would be forwarded to the Zoning Commission for an initial read-through in November or December. He reiterated his frustration with the process and the need for a more complete overhaul of the Zoning Regulations.

**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 he was unable to attend the most recent RiverCOG meeting.

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

George Sexton reported that the EDC had a number of updates, including: a new Financial Management office had opened at 12 Plains Road; Olive Oyl’s renovations were complete and the business was very brisk; Earth & Fire Pottery Studio was now open, along with Melanie Carr Gallery, both in Essex Square; the Scotch Plains Tavern would be open

shortly, which should help boost business at the new Chocolatier; the renovation of the Cumberland Farms was proceeding quickly; some progress was being made to the expansion at Essex Boat Works; and the Commission was working with the Selectmen on addressing the bus parking concerns in the Village.

**d. Planner's Report**

John Guskowski reported that the Walnut Street Bridge replacement is proceeding, albeit with some minor slowdowns and the need for some drainage re-design.

**6. Correspondence & Invoices**

Chairman Kerr noted the correspondence from the Conservation Commission concerning the Needleman/Hubbard conservation easement request.

**7. Adjournment**

Motion to adjourn by Jane Siris, seconded by George Sexton. Motion carried unanimously.  
Meeting was adjourned at 9:12 p.m.

Respectfully submitted,

John Guskowski  
Consulting Town Planner

RECEIVED FOR RECORD  
10/16/2017 at 8:45 A.M.  
*Donna M. Fogliak*  
ESSEX, CT - ASSIST. TOWN CLERK