



## ESSEX PLANNING COMMISSION

REGULAR MEETING  
Thursday, January 9, 2014  
7:30 p.m.  
Essex Town Hall – Room A

### DRAFT MINUTES

1. **Call to Order and Seating of Members**

Chairman Tom Danyliw called the meeting to order at 7:30 p.m. Seated for the meeting were Regular members Linda Herman and Alan Kerr. Seated for Regular Member Carla Feroni was Robert Laundry and seated for Regular Member Ralph Monaco was Claire Tiernan. Also in attendance was Alternate John Ackermann and Town Planner John Guskowski. Chairman Danyliw welcomed John Ackermann as a new member to the Commission and John Ackermann introduced himself and gave some history of his life in Essex.

2. **Approval of Minutes:**

Motion to approve minutes of December 12, 2013 Regular Meeting by Linda Herman, seconded by Bob Laundry. There were no corrections. Motion carried unanimously, with Alan Kerr and Claire Tiernan abstaining.

3. **New Business**

Motion to add Budget Discussion as New Business item A and Building Height Zoning Discussion as New Business item B by Linda Herman, seconded by Claire Tiernan. Motion carried unanimously

a. **Budget Discussion**

John Guskowski presented the proposed 2014-2015 budget to the Planning Commission for their discussion. Changes included a 2.5% increase for Planning Consulting and an increase in printing costs to \$1000.00 in anticipation of the updated Plan of Conservation & Development. Motion to approve budget proposal as presented by Bob Laundry, seconded by Claire Tiernan. Motion carried unanimously.

Linda Herman raised the question of the open space sinking fund, and where the funding for that account comes from. John Guskowski stated that the account has approximately \$220,000 in it, with the latest deposit coming from the Foxboro Point subdivision settlement. The Commission discussed having a standing request to add funds to the account annually. Motion to add a line item to the Planning Commission budget to request a \$5,000 deposit into the open space acquisition fund by Claire Tiernan, seconded by Alan Kerr. Motion carried unanimously.

**b. Building Height Zoning Discussion**

John Guszkowski reported on his recent conversation with Zoning Commission Chairman Al Wolfgram and ZEO Joe Budrow about the potential changes to the definition of building height and the reduction in maximum building height in all zones from 35' to 30'. The Zoning Commission wished to unify all definitions and regulations surrounding height, and wished to understand how to reconcile this with the Planning Commission's proposal to allow height increases in Commercial Districts for purposes of façade/peaked roof design. Chairman Danyliw asked whether there was a formal referral from the Zoning Commission. John Guszkowski stated that this seemed to be more of a follow-up conversation between Planning and Zoning, and he was not aware of any public hearing scheduled at Zoning to consider the building height definition.

Chairman Danyliw stated that the Architectural Design Review Subcommittee (ADRS) did a great deal of work and made thoughtful recommendations in following up the goals of the 2005 Plan of Conservation and Development. The building height allowance was one of the six explicit recommendations of the ADRS study, and the Planning Commission should perhaps formalize the recommendations. John Guszkowski stated that the Zoning Commission did wish to have more formal and explicit statements in the PoCD to allow them to justify specific regulatory changes.

Motion to hold a public hearing in February to add the recommendations of the ADRS as a supplement to the 2005 Plan of Conservation and Development by Alan Kerr, seconded by Claire Tiernan. Motion carried unanimously.

**4. Old Business**

Motion to add Zoning Regulation memo from Joe Budrow as item A under Old Business by Linda Herman, seconded by Claire Tiernan. Motion carried unanimously.

**a. Zoning Referral Memo**

The Commission reviewed the correspondence from ZEO Joe Budrow responding to questions that the Planning Commission posed during their referral review of proposed Zoning Regulation changes to Sections 70 and 80. Bob Laundry stated that Joe had met with Economic Development, per Planning's request. Both EDC and the Planning Commission remained perplexed at the 1,600 – 1,800 square foot breakpoints for retail uses between standard permitting and special exception permitting. Alan Kerr stated that the concern was not that certain retail uses at a certain point would merit the additional scrutiny of a special permit process, but it is unclear why the tipping point would be 1600-1800 square feet. The Planning Commission found no clear response in the memo for why that square footage was appropriate. John Guszkowski suggested that if there was some public health or safety concern at play, such as traffic generation, parking, or wastewater, that should be stated or clarified. John Ackermann stated that in many cases, several smaller retail facilities could combine to have greater traffic and parking impact than a single, larger facility.

The Planning Commission had general consensus that it appreciated the restoration of watch repair as a permitted commercial use. The Commission discussed the regulations concerning drug paraphernalia and adult entertainment and agreed that the fact that neither of these terms were defined was likely to create confusion and zoning enforcement problems. In many cases, legitimate tobacco accessories or family-planning

products that might be available in a pharmacy would fall under an assumed description of these items. Linda Herman questioned the development of the list of approved uses under a description of “indoor recreation,” and why uses such as bowling alleys were not included.

Chairman Danyliw stated that there were several unanswered questions about not only the proposed regulations, but also the reasoning behind the proposed amendments. Claire Tiernan suggested that perhaps representatives of Zoning should be invited to Planning to explain and discuss the proposed changes. John Guskowski stated that he would relay this invitation to Joe Budrow, and had informed Joe and Al Wolfgram during their discussion that the new PoCD was in progress and perhaps any wholesale changes to the Zoning Regulations could be delayed until that was complete. Regulation cleanup, such as the centralization of signage regulations, was a reasonable change, but major shifts in policy direction should perhaps wait for the new Plan.

**b. Natural Hazards Mitigation Plan**

John Guskowski referred to the revised implementation spreadsheet from the proposed NHMP and stated that all of the Planning Commission’s edits had been incorporated. Further, he clarified that the assertion on page 12 of the draft that the Town was required to set aside funds for implementation merely referred to the fact that any funding for implementation that would come from FEMA would have to have some municipal match. The wording has been modified to reflect this.

Motion to endorse the Natural Hazards Mitigation Plan and forward it to Connecticut DEEP for formal review by Claire Tiernan, seconded by Bob Laundry. Motion carried unanimously.

John Guskowski stated that following the DEEP review, the Plan would be returned to the Board of Selectmen for final approval. He thanked Jeremy DeCarli of RiverCOG for his hard work in guiding the Plan’s development.

**c. Plan of Conservation & Development – Issue Forum Schedules**

John Guskowski is working with RiverCOG to participate and help with the public forum sessions. Torrance Downes will attend the February session concerning Ivoryton and help lead the discussion. John Guskowski stated that the public would be presented with the draft recommendations about Ivoryton and would be asked to respond and provide input about development, redevelopment, or conservation priorities in that Village. Claire Tiernan suggested that the Ivoryton Library be informed of this session. John Ackermann stated that a strong economic development element was needed in the Plan.

**d. Ivoryton and STEAP Grants**

John Guskowski stated that there had been no major progress on these grants, and hoped that First Selectman Needleman would be able to establish his steering committee for the Ivoryton grant shortly.

**e. Economic Development/Main Street Center**

John Guskowski reported that the Town had received notification of its award of \$10,000 from the Connecticut Main Street Center for the development of a vision for Centerbrook Village. He will be working closely with Susan Malan and EDC on moving

this grant forward, and suggested that representation from the Planning Commission would be crucial to this project's success.

**5. Report of Committees and Officers**

**a. Report from Inland Wetlands Representative**

Claire Tiernan stated that the Wetlands Commission would meet next week. She also expressed a wish to step down as Planning's representative to Wetlands. After discussion, John Ackermann volunteered to replace Claire on a trial basis.

**b. Report from RiverCOG Representative**

Alan Kerr stated that RiverCOG had not met in December.

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

Bob Laundry stated that most of EDC's activities had already been discussed in the conversation about zoning regulations.

**d. Chairman's Report**

Chairman Danyliw reported that he had been asked to participate in the Selectman's discussion of the Demolition Delay Ordinance which had been scheduled for the prior evening. There was some concern that the Selectmen wished to make it harder for citizens to force a demolition delay. He communicated with First Selectman Needleman and learned that this issue would not be addressed in any substantive way at the meeting and thus did not need to attend.

**e. Planner's Report**

John Guszkowski reported that the Selectmen had asked the Commission to make their re-appointment to the Council of Governments, and Chairman Danyliw asked Alan Kerr to remain as the Commission's COG representative.

**6. Correspondence & Invoices**

The Commission discussed the correspondence from Tom and Sally Riggio requesting reconsideration of the legal fees associated with their recent subdivision off of Orchard Heights Road. A total of 6.5 hours of legal time was associated with the review and revision of easement documents and shared-driveway declarations. The Commission did not have any consensus on whether this was a reasonable or unreasonable expenditure. There was general agreement that \$170/hour was quite reasonable as an hourly rate for legal services. Chairman Danyliw stated that he would raise the issue personally in a conversation with Attorney Royston and would report back to the Commission.

Motion to pay invoices from CME Associates and Halloran & Sage by Linda Herman, seconded by Claire Tiernan. Motion carried unanimously.

**7. Adjournment**

Motion to adjourn by Bob Laundry, seconded by Linda Herman. Motion carried unanimously.  
Meeting was adjourned at 9:08 p.m.

Respectfully submitted,

John Guszkowski  
Town Planner (Consulting)

**RECEIVED FOR RECORD**  
01-13-20-14 at 12:38 PM  
Jade [Signature]  
**ESSEX, CT TOWN CLERK**

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at \_\_\_\_\_ 20 \_\_\_\_\_

ESSEX, CT TOWN CLERK