



ESSEX PLANNING COMMISSION

REGULAR MEETING

Thursday, May 15, 2014

7:30 p.m.

Essex Town Hall – Auditorium

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Tom Danyliw called the hearing to order at 7:30 p.m. Seated for the hearing were Vice Chairman Linda Herman, regular members Carla Feroni, Alan Kerr, and Ralph Monaco. Also in attendance were alternates Bob Laundry, Claire Tiernan, and John Ackermann, Town Planner John Guskowski, Economic Development Coordinator Susan Malan, and approximately 6 members of the public.

2. Approval of Minutes: April 10, 2014

Motion to approve Minutes of April 10, 2014 by Linda Herman, seconded by Ralph Monaco. John Ackermann referenced the discussion of the Ivoryton MSIF grant under item 4b on page 3 of the minutes. He stated that he recalled the Commission raised concerns about the potential change in scope or allocation of funds within that grant. John Guskowski proposed adding the sentences: *“Concerns were raised by the Commission about the potential modifications to scope and usage of funding. John Guskowski clarified that these issues had been addressed”* and insert it before the sentence beginning “Linda Herman stated...” Motion to approve Minutes of April 10, 2014 as amended by Carla Feroni, seconded by Linda Herman. Motion carried unanimously.

3. New Business

a. Public Forum on Plan of Conservation & Development Update – Route 9 Gateway/Train Station Area

Chairman Danyliw introduced the topic and stated that the Commission was interested in public input on the pending update to the Plan of Conservation & Development (PoCD), and this evening’s session would focus on the Route 9 Gateway area. John Guskowski discussed the five development nodes and how the Planning Commission wished to focus development in those areas and work on interconnecting them with sidewalks and bicycle routes. Chairman Danyliw then invited commentary from the public.

One resident stated that the State has done a poor job maintaining the appearance of the landscaping within the Route 9 interchange right-of-way. Plantings, fencing, the paint on the bridge are all in poor condition and it establishes an unfriendly gateway into Town. Tim Londregan asked about the promotion of mixed use development, and if that included retail and restaurants. He stated that the zoning change a few years ago to Business Commerce prohibited retail from this area, which has hampered

development or redevelopment. Peter Decker expressed concern about the nature of the Heritage Gateway zoning district and the manner in which it makes changing uses difficult. He stated that the Witch Hazel facility is under new management, which is trying to revitalize the property. The current driveway access (across the railroad tracks) is very poor, and they are seeking a separate driveway access point to Main Street. He stated that much could be done to improve the landscaping and signage in this area, particularly in the area near the Route 9 southbound offramp. He is working with the Centerbrook visioning group on traffic calming and streetscape improvement, and that the Witch Hazel property was seeking to re-paint the water tower, which is very costly. Susan Malan also updated the Commission about the Centerbrook visioning project, and expressed interest in the potential of the Gateway area to support live-work spaces.

Chairman Danyliw summarized the input, and questioned the group about the appropriateness of industrial uses. Tim Londregan stated that those uses did not fit economically with the sort of character the Town wished to establish in that area. Peter Decker pointed out the proximity of the Gateway to the Industrial Park and stated that stronger connections could be made for pedestrians and vehicles. He also discussed the question of the formal address of the Witch Hazel property, which was recently changed from Essex to Centerbrook, which is creating problems for the tenants of that complex. The Commission discussed the meaning of the different villages and boundaries between them. The issue of three separate Main Streets is a problem. John Guskowski discussed the request to convert the frontage road alongside the LC Doane property to a one-way road. Chairman Danyliw stated that parking and pedestrian accommodation would be useful there as well. The establishment of more housing, and particularly affordable or workforce housing, in this area was discussed. Carla Feroni stated that smoke and coal runoff from the Steam Train creates an environmental concern in this area, which could lead to Environmental Justice issues.

Chairman Danyliw summarized the consensus of the group about issues such as signage, landscaping, live-work spaces, and redevelopment flexibility, and thanked everyone for their input. John Guskowski stated that he would incorporate the input into the working draft of the PoCD.

b. **Zoning Amendment Referral: Section 111 (Signs and Lights)**

John Guskowski introduced the proposed amendment to the Commission. John Ackermann stated that he found the proposed regulations far too complicated, difficult to interpret and enforce. He referred to the regulatory examples from Madison and Guilford that were distributed at the meeting and stated that a much simpler approach would be better. The focus should be on clarity and enforceability. Susan Malan and Bob Laundry stated that the Economic Development Commission met the prior evening to discuss these regulations, and found them complicated. Ralph Monaco stated that the town should be clear about regulating a few simple issues such as size, lighting, and motion. Claire Tiernan stated that the proposed regulations seemed to be difficult to enforce and easy to work around. Chairman Danyliw summarized the consensus of the Commission and stated that the proposed amendment was not simple or clear enough, and would be difficult to enforce. The Commission recommends that the Zoning Commission work with EDC and review Madison and Guilford's regulations as examples.

4. **Old Business**

a. PoCD Updates and Next Steps

John Guskowski stated that the next month's discussion would focus on Essex Village. He also requested some guidance from the Commission on the language in the Bokum Center section of the working PoCD draft.

b. Open Space Tax Abatement Policy and PoCD

Chairman Danyliw introduced the memo from Attorney Royston. John Ackermann stated that there were many issues still unresolved, largely stemming from the inconsistency in message and opinion presented by Attorney Royston in memos spanning the last 10-15 years. John Guskowski stated that the recommended approach, given the confusion on policy and Town Meeting endorsement, would be to hold a Public Hearing to amend the 2005 PoCD in a way that clarified the Planning Commission's recommended policy and then hold a Town Meeting to endorse that clarified policy. John Ackermann stated that it was important to understand what the definitive position of the Town Attorney is on the current policy. The Commission undertook a general discussion on the statutory basis for the Open Space tax abatements per CGS 12-107e, and the roles of the Plan of Conservation & Development and the Town Meeting. There was general agreement that not enough specific consideration of the tax policy was included with the 2005 PoCD, as well as the advisability of holding a Public Hearing to revise the PoCD in June or July. It was questioned if the filing deadlines in October for the next assessment year should drive the timing of a public hearing. Chairman Danyliw stated that he had two goals on this issue, which were fixing the lack of policy clarity going forward, and getting a definitive answer on current policy and the apparent inconsistency of legal opinion. Alan Kerr suggested having a discussion with the Selectmen and Attorney Royston, and the Commission discussed the differences in approach of executive sessions, public meetings, public hearings, and town meetings. Carla Feroni suggested soliciting wisdom from CCM or other communities. Chairman Danyliw requested that the Selectmen and Town Attorney be invited to the June 12 Commission meeting. He also requested that some maps be prepared of properties that have taken advantage of the tax abatement and properties that would be eligible under current administrative policies. John Ackermann requested data on taxes collected and foregone on properties within this program since the 1981 Town Meeting.

c. Ivoryton, LoTCIP, and STEAP Grant Updates

John Guskowski stated that the Ivoryton design RFP was out, and responses were due next week. The LoTCIP grant application for Westbrook Road sidewalks was on hold, pending the Selectmen's decision on whether to invest more resources in pre-engineering, and the tennis courts in the Civic Campus are projected to be installed in June and ready in July, thus completing the STEAP grant.

c. Centerbrook Visioning Project

John Guskowski stated that the Visioning project was well underway, and recommendations from this group were expected by the time the Planning Commission discusses the Centerbrook Village section of the PoCD in July.

4. Report of Committees and Officers

a. Report from Inland Wetlands Representative

John Ackermann reported on recent applications at Wetlands, including drainage repair at a property on Walnut Street and walkway on North Cove.

- b. **Report from RiverCOG Representative**
Alan Kerr stated that the Regional Planning Commission received a presentation from Fred Carstensen, an economic analyst from UConn, concerning non-market assets in the Region. Dr. Carstensen will be working with the Region on other economic assessments as well.
- c. **Report from Economic Development Commission Representative**
Bob Laundy stated that EDC had spent the majority of their meeting discussing the proposed signage and lighting regulations with ZEO Joe Budrow.
- d. **Chairman's Report**
Chairman Danyliw had no additional report.
- e. **Planner's Report**
John Guskowski reported that the Natural Hazards Mitigation Plan had been approved by FEMA, and would be returning to the Town for final approval. Motion to forward the NHMP to the Board of Selectmen, recommending their endorsement by Linda Herman, seconded by Ralph Monaco. Motion carried unanimously.

John Guskowski also reported that he had been in communication with the Town Attorney and the attorney for the Petersons on Rosewood Lane in Ivoryton. The Petersons had obtained an easement across Town property to construct a common driveway to be used as access to land the Petersons wished to subdivide. The abutting property owner, Donald Meyer, had constructed a driveway to access his property across this land without municipal permission. The Petersons no longer wish to subdivide or use the easement, but Mr. Meyer would like to modify the easement to allow his use of the driveway. Attorney Royston requested the Commission make a formal recommendation about the common driveway to the Board of Selectmen, who would act on the easement request. Linda Herman expressed disappointment that Mr. Meyer's illegal driveway construction and crossing of municipal land was not dealt with more forcefully by the ZEO at the time of the original activity, and stated that she was not interested in providing retroactive permission. The Commission had no further comment on this matter.

- 6. **Correspondence & Invoices**
Motion to pay invoice from CME Associates by Ralph Monaco, seconded by Carla Feroni.
Motion carried unanimously.
- 7. **Adjournment**
Motion to adjourn by Bob Laundy, seconded by Linda Herman. Motion carried unanimously.
Meeting was adjourned at 10:50 p.m.

Respectfully submitted,

John Guskowski
Town Planner (Consulting)