



ESSEX PLANNING COMMISSION

REGULAR MEETING
Thursday, June 12, 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 Claire Tiernan and John Ackermann, Town Planner John Guskowski, Selectmen Norman Needleman, Bruce Glowac, Town Attorney David Royston, and approximately 15 members of the public

2. **Approval of Minutes:** May 15, 2014

Motion to approve Minutes of May 15, 2014 by Linda Herman, seconded by Ralph Monaco.
Motion carried unanimously.

3. **New Business**

a. **Public Forum on Plan of Conservation & Development Update – Essex Village**

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 Essex Village 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 discussed the changes to Main Street and how parking has a problem and the roadway cramped; the focus of revitalization should be on the resident, not the tourist. Another resident agreed about the focus on services and retail for residents, but disagreed that parking was a concern. Melanie Fenix agreed that parking was not a problem, but the narrow streets and curbs created problems for the fire department. She stated that sewage disposal should be more of a focus, and supported more traditional village uses.

Another resident agreed that public safety and sewer availability were key issues, and asked whether an economic analysis could be conducted for the revitalization of the Village. John Guskowski clarified that it was important to understand the community's priorities for the Village, and the PoCD would attempt to identify policies and implementation approaches that would help move forward toward these priorities.

Ken Bombaci referred to the Village as a “blooming flower” of long ago that has turned into an “artificial daisy,” and that the Village has become a shadow of its former self. He believed Zoning was to blame for restricting development, and mentioned several attractive retail operations in Old Saybrook and Deep River that he would like to see in Essex. Strick Hyde stated that the decline of activity in the marinas and at the waterfront has contributed to the overall Village decline, stating that Essex Village was no longer a destination for sailors. Several other members of the public agreed with this opinion. Chairman Danyliw summarized that the public seemed to want to have the Village be more of a center of commerce. Another member of the public stated that Deep River and Chester’s recent Main Street success had been enabled by the presence of sewer lines, which Essex lacks.

First Selectman Needleman stated that the PoCD could certainly address concerns with Zoning regulations. He further stated that the Town has been looking at the sewer issue, and may soon have to decide on its approach. He believed that a full sewer connection of all three Villages to the Deep River system could be in the \$30-40 million range, which would be a substantial financial commitment for the taxpayers in Essex. He was not certain if there could be economic justification for such an investment. He also stated that economic focus in Town and in the region had shifted, and the best the Town could do was remove regulatory constraints to allowing the market to dictate development.

Several members of the public discussed the history of the Village and its place as a center of commerce and as a “quaint” village that supported the needs of the residents. Bruce Glowac stated that much of the decline was a larger economic force. In the 1980’s, there was interest in keeping things “as-is” in the Village. Commercial rents in the Village rose significantly, and forced out many smaller retailers.

Dave Sousa discussed the Regional Agriculture Council and requested that consideration of agriculture be included in the PoCD. Melanie Fenix asked about planting fruit trees as street trees. Chairman Danyliw stated that these issues would be addressed at later sessions.

Chairman Danyliw summarized the consensus of the group about issues such as promoting the ‘quaint’ nature of the Village and encouraging smaller-scale and niche retail, as well as the sewer concern, and thanked everyone for their input. John Guskowski stated that he would incorporate the input into the working draft of the PoCD.

4. Old Business

a. PoCD Updates and Next Steps

John Guskowski stated that the next month’s discussion would focus on Centerbrook Village and would include an interim report from the Centerbrook Village Visioning group. He also suggested that it would be a good idea to have a forum specifically focused on Conservation and Open Space goals, which should include a conversation with the Essex Land Trust.

b. Open Space Tax Abatement Policy and PoCD

Chairman Danyliw introduced the ongoing discussion which began with a Town Meeting authorization in 1981. He stated that it was still uncertain what the Town's policy for open space tax abatements were, given the 2005 PoCD and associated maps. It was important to clarify the Town's position and the Planning Commission's role in determining this.

Attorney Royston presented an overview of the two key steps necessary in establishing this tax policy; one being the PoCD-based identification of properties or a policy for qualification, and the other being a Town Meeting authorizing and endorsing this policy. These two issues are empowered by different sections of the State Statutes. While the PoCD updates since 1981 revised the proposed open space tax policy several times, there has not been a Town Meeting on this topic since 1981. This Town Meeting had no expiration date, and thus was still essentially in effect. John Ackermann sought clarification on subsequent updates to the PoCD and whether property owners and the Assessor still had to reference the 1981 Plan, of which copies may not exist. Attorney Royston stated that the policy of this Plan was made clear in the 1981 Town Meeting. Chairman Danyliw asked about potential legal challenges to the status of the Town policy, to which Attorney Royston stated that the Town was on solid legal ground to continue its existing approach until such time as the Planning Commission modified the PoCD to state a new policy and then got that policy endorsed by Town Meeting.

Ralph Monaco led a discussion among the Commission about what the Commission's next step ought to be. He believed that a new policy should be discussed and incorporated into the 2015 PoCD. He thought learning from the past and changing approach going forward was the appropriate path. Linda Herman gave some background of prior Commission discussions about open space. First Selectman Needleman stated that the current policy had been in place for 33 years, over which time the Town had generally sought to control over-development and maintain open spaces, but this may not be the primary goal of the Commission any longer. He agreed that if a short-term action was not desired prior to October, some clarification should be incorporated into the new PoCD. Chairman Danyliw polled the Commission on whether they wished to do an interim revision to the 2005 PoCD or have a more thoughtful discussion for incorporation into the new Plan. Selectman Glowac cautioned about an overly-specific, parcel-by-parcel identification of eligible properties. Carla Feroni agreed with this approach, and stated that the abatement should have more general criteria. Alan Kerr stated that consideration of open space should not be about a tax issue for the Commission, and the overall principles of open space preservation should be incorporated in the new Plan. Claire Tiernan stated that as long as the Town was on solid legal ground with the existing policy, she supported taking a more deliberative approach with establishing a new policy. Chairman Danyliw agreed and stated that he would place this issue on an upcoming agenda for a fuller discussion.

c. Ivoryton MSIF Grant Update

John Guskowski stated that the Town received four responses to their engineering design RFP, and would be conducting interviews on June 17. The involvement of a landscape architect in finalizing design would be an important point of discussion in interviews.

b. Centerbrook Visioning Project

John Guszkowski stated that the Visioning project was well underway, and interim 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 that some clearing by the Essex Land Trust in Ivoryton along the Falls River had been ordered to cease-and-desist.

b. Report from RiverCOG Representative

Alan Kerr stated that the Regional Planning Commission did not meet for lack of a quorum.

c. Report from Economic Development Commission Representative

Bob Laundry was absent and did not forward a report.

d. Chairman's Report

Chairman Danyliw had no additional report.

e. Planner's Report

John Guszkowski referred to the contract proposal for planning consulting services from CME Associates for FY 2014-15. Motion to authorize Chairman Danyliw to sign CME contract proposal by Carla Feroni, seconded by Ralph Monaco. Motion carried unanimously.

6. Correspondence & Invoices

Motion to pay invoice from Halloran & Sage by Ralph Monaco, seconded by Linda Herman. Motion carried unanimously.

Chairman Danyliw also noted the letter from the Ivoryton Village Alliance requesting that priority be given to planning and provision of adequate parking in Ivoryton as part of the Plan of Conservation and Development update. He also noted the map of the Jones Subdivision on River Road Drive. John Guszkowski stated that the subdivision in 2003 that created three new lots included a vegetated buffer to separate the subdivision from an existing property. The owners of the existing property built a driveway across this vegetated buffer. John Guszkowski received a call from an attorney representing the buyers of one of the subdivision lots on how to resolve this issue, which may require a modification of the terms of the original subdivision. He had requested a formal letter stating how the property owners wished to resolve the issue, but had not received anything yet. Linda Herman discussed the role of the Zoning Enforcement Officer in these matters, and requested a regular report on enforcement matters.

7. Adjournment

Motion to adjourn by Carla Feroni, seconded by Ralph Monaco. Motion carried unanimously. Meeting was adjourned at 10:08 p.m.

Respectfully submitted,

John Guszkowski
Town Planner (Consulting)