



ESSEX PLANNING COMMISSION

REGULAR MEETING
Thursday, November 13, 2014
7:30 p.m.
Essex Town Hall – Meeting Room A

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 meeting were regular members Alan Kerr and Ralph Monaco. Seated for member Carla Feroni was John Ackermann, and seated for member Linda Herman was Claire Tiernan. Also in attendance were Town Planner John Guszkowski, Economic Development Coordinator Susan Malan, and several members of the public.

2. **Approval of Minutes:** Planning Commission Meeting, October 9, 2014

Motion to approve Minutes of September 18, 2014 by Ralph Monaco, seconded by Claire Tiernan. Motion carried unanimously.

3. **New Business**

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

Chairman Danyliw introduced the topic of the Plan of Conservation & Development (PoCD) update, and how this forum would focus on Economic Development issues. He noted the absence of any members of the Economic Development Commission, but invited ED Coordinator Susan Malan to comment. Susan Malan stated that the Economic Development Commission had been kept very well informed about the progress of the PoCD by Bob Laundy. She reviewed the working draft and believed that the Planning Commission was on the right track, specifically about focusing development and increasing density in the village nodes and revising Zoning Regulations to be friendlier to business development in these areas. She also reported that EDC had met with the new owners of the Essex Island Marina on some of their ideas for revitalization there, which included adding bungalows to accommodate smaller boat owners and a year-round restaurant. She encouraged coordination with downtown businesses to encourage visitors to the Marina to also visit Main Street.

Mary-Lynn Radych of Centerbrook Architects reported that she had worked with the Centerbrook Visioning group and their priorities, expressed at earlier sessions, included promoting the pedestrian environment to encourage visitors to patronize businesses along the Main Street spine rather than just pass through. The first phase of these improvements was being pursued through a STEAP grant application.

b. Subdivision Approval Modification – Matt Conroy, 22 River Road Drive

John Guszkowski noted the letter from Mr. Conroy explaining the proposed modification was in the agenda packet. Matt Conroy was in attendance, along with neighboring property owner John Lombardi. Mr. Conroy explained that he constructed a new driveway for his property several years ago and inadvertently built it across a designated 50' vegetated buffer area on the neighboring property, currently owned by Suedmeier. This crossing was recently discovered by the Suedmeiers, who had a survey done when they purchased the property. The vegetated buffer was a condition of the original James Subdivision in 2003. Mr. Conroy proposed to restore clearing that took place adjacent to his property in this buffer area on the Suedmeier's property, and to shift the vegetated buffer in the area of the driveway onto the property of Mr. Lombardi. Mr. Lombardi agreed with this approach and is amenable to having this buffer on his land. The Suedmeiers, who were not in attendance, were reportedly amenable to this solution, but want a formal action of the Commission to modify this condition of the Subdivision approval so there are no questions on titles or maps.

Ralph Monaco stated that he would recuse himself from participating in any action on this property for reasons of potential conflict of interest. Chairman Danyliw stated that if all three property owners agreed with this solution, the Commission should be able to approve the modification. John Guszkowski clarified that the modification approval would have to be contingent on the submission of new cross-easements agreed to and signed by all parties.

Motion to approve the proposed modification the 2003 subdivision approval to allow the relocation and restoration of the vegetated buffer area, contingent on the submission of agreements signed by all three property owners (Conroy, Lombardi, and Suedmeier) by John Ackermann, seconded by Claire Tiernan. Motion approved, with Ralph Monaco abstaining.

Motion to add item to agenda under New Business regarding recent clearing within Conservation Easement Area at Foxboro Point by Ralph Monaco, seconded by Claire Tiernan. Motion carried unanimously.

c. Discussion of Recent Clearing in Conservation Easement Area at Foxboro Point

Following reports of landscape work and clearing taking place, ZEO/WEO Joe Budrow visited the site of the Foxboro subdivision owned by SKR Partners, LLC. The Planning Commission reviewed the photos that were taken on October 28, 2014 at the Foxboro Point subdivision relative to the terms of the Conservation Easement that accompanied that subdivision approval. Prohibition I.4 of the Easement document states that "There shall be no removal or destruction of trees, shrubs, or other vegetation, the destruction of wildlife or its habitat, the application of pesticides or herbicides, or any other activity or use which is or has the potential for being detrimental to drainage, flood control, water quality, erosion control, soil conservation, wildlife or the land and water areas in their natural condition within the Conservation Easement Area." There was general consensus among the Commissioners that the clearing that had occurred was in violation of these terms.

The Easement document, Section III, sets forth the authority of the Planning Commission to determine whether a violation has occurred and to require remedy from the Owner.

Motion to issue a letter requesting a Cease and Desist to SKR Partners, LLC for activities regarding the removal of vegetation in the Conservation Easement Area and to request SKR Partners, LLC to submit a plan, prepared by a qualified professional, for restoring the vegetation for review and approval of the Planning Commission per the terms of the Conservation Easement signed by the Town of Essex and SKR Partners, LLC by Ralph Monaco, seconded by Claire Tiernan. Motion carried unanimously.

4. Old Business

a. PoCD Updates and Next Steps

John Guskowski reviewed the remaining topics for discussion by Planning, which include Zoning and Tax Abatement for Open Space. The Commission decided to have a discussion about Tax Abatement policy at the December meeting, and after discussion, decided that it was not necessary to have outside experts or speakers presenting on the topic. John Guskowski will distribute a list of policies adopted by other municipalities on this issue in advance of the December meeting.

b. Ivoryton MSIF Grant Update

John Guskowski stated that the steering committee had completed its stakeholder input process on the draft plan and hoped to proceed to final design in December. Following a public hearing held by the Selectmen last week, a couple of design changes were proposed. The most significant of these was the removal of the two raised crosswalks/speed tables at the Ivoryton Library and Ivoryton Playhouse intersections. There were comments from the public and stakeholders on both sides of this question, but the First Selectman ultimately opted to remove them from the design. Claire Tiernan stated that she was disappointed by this removal, and pointed out that one of the major goals of the project was to slow traffic and promote pedestrian safety and amenities in Ivoryton. The Commission, by consensus, agreed with this position and requested that John Guskowski communicate to the Selectmen that the proposed changes to the design of this project could result in modifications that may not be adequate to achieving the goal of promoting Ivoryton as a center of culture and commerce.

c. Centerbrook Village

The update from John Guskowski and Mary-Lynn Radych during the PoCD discussion served as the update for this project.

5. Report of Committees and Officers

a. Report from Inland Wetlands Representative

John Ackermann reported that his term in service to the Wetlands Commission expires in December and he had no interest in continuing to serve on this Commission. John Guskowski questioned the wisdom of the ordinance having a member of Planning serving as a voting member of another regulatory Commission. Chairman Danyliw asked for volunteers to serve, and stated he would ask Carla Feroni if she would be willing to represent Planning on Wetlands.

b. Report from RiverCOG Representative

Alan Kerr stated that the Regional Planning Commission had dealt with a number of minor zoning referrals, and was starting to undertake a process of updating the Regional

Plan of Conservation & Development, which he anticipated being an interesting but rather time-consuming process.

c. Report from Economic Development Commission Representative

Bob Laundry was absent, so there was no report.

d. Chairman's Report

Chairman Danyliw reminded the Commission that his term on the Planning Commission was expiring, and he'd been requested to continue his service. He will serve another term, but stated that he was not opposed to having another Commissioner consider serving as Chairman. The election of officers will take place at the December meeting.

e. Planner's Report

John Guszkowski distributed a letter he received a letter from Attorney Royston concerning the application for an eight-slip dock on the Windmill property adjacent to the Foxboro subdivision. Attorney Royston raised potential zoning regulation questions, but did not believe it was within the jurisdiction of the Planning Commission or in obvious violation of the terms of subdivision approval. He also updated the Commission on potential developments occurring on Bokum Road, and anticipated application modification requests from both the Essex Glen ownership and the Bombaci family, both who would be seeking to develop single-family detached senior condo developments across the street from each other.

6. Correspondence & Invoices

Motion to pay invoice from CME Associates by Ralph Monaco, seconded by Alan Kerr.

Motion carried unanimously.

7. Adjournment

Motion to adjourn by John Ackermann, seconded by Claire Tiernan. Motion carried unanimously. Meeting was adjourned at 8:55 p.m.

Respectfully submitted,

John Guszkowski
Town Planner (Consulting)

RECEIVED FOR RECORD
11/17 2014 at 9:16 A.M.
Chase M. Royal
ESSEX, CT TOWN CLERK