



ESSEX PLANNING COMMISSION

REGULAR MEETING

Thursday, December 8, 2016

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 John Bairos. Alternate Erin Bogan was seated for Member Ralph Monaco and Alternate Gary Riggio was seated for Member Tom Danyliw. Member Ralph Monaco and Alternate Jane Siris arrived at approximately 7:35 p.m.

2. Approval of Minutes: November 10, 2016 Regular Meeting

Motion to approve minutes of November 10, 2016 by George Sexton, seconded by John Bairos. Motion carried unanimously.

Motion to add new business item 3c, Zoning Amendment Referral, Restaurants as Accessory Uses in Waterfront District by John Bairos, seconded by George Sexton. Motion carried unanimously.

3. New Business

c. Zoning Amendment Referral – Application #16-14, Modifying Section 73 to Allow Restaurants as Allowable Accessory Uses in Waterfront District

Chairman Kerr, noting the crowd of interested public, opted to take Agenda Item #3c first under New Business. John Guskowski introduced the two proposed amendment that are being forwarded to the Planning Commission for comment. He clarified that this referral only addresses regulatory permissions in the Waterfront District and, while there is a context from the applicant grounded in a future site plan, that development proposal is not relevant to this immediate application. Chairman Kerr noted that this was not a public hearing process, but invited representatives of the applicant and concerned neighbors to address the application.

Attorney Chris Smith of Shipman & Goodwin represented the applicant, Essex Boat Works, LLC. Attorney Smith noted that this was a referral per CGS Section 8-3a, and the Planning Commission's primary charge is to advise the Zoning Commission as to the application's relationship to the Plan of Development (PoCD). He noted the existing performance standards in the Zoning Regulations, Section 130, and that the zoning change would facilitate the submission of a future Special Exception site plan, which would be subject to Public Hearing. He then noted the current PoCD, specifically pages 22 and 38 discussing increasing activity in Essex Village, including permitting more restaurant and commercial uses. Finally, he noted that the Zoning Commission had been working on a similar regulation, but the applicant opted to proceed without waiting for these final changes.

Chairman Kerr asked if the Commission had any questions for Attorney Smith, and they did not. He then asked Attorney Mark Branse of Branse & Willis to present briefly. Attorney Branse represented the Connecticut River Museum, an abutter to the applicant and property owner in the Waterfront District. He pointed out that promotion of the Museum and the Village's historic character were also critical goals of the Plan of Conservation & Development, as is the preservation of public health and safety. He stated that, depending on where the potential restaurants are located, they could dramatically negatively impact the public safety, traffic, and historic character of the Village. He provided some proposed changes to the applicant's amendment request, suggesting more specific language relative to the uses to which a restaurant may be accessory and clarification on the requirements of the "customarily incidental" clause in the regulations. Additional editorial suggestions included consolidation of curb cuts, definition of scale, elimination of grade changes, and prohibition of drive-throughs. He noted that the Planning Commission, per the Statutes, had the authority to make additional recommendations to the referral beyond simple positive or negative report. Finally, Attorney Branse noted that a two-day land use training session would be held at Wesleyan in March and invited the Commissioners to attend.

Jane Siris asked about the restaurant use being clearly subordinate and sought clarification on how many slips were at Essex Boat Works. Attorney Branse stated that the proposed activity would be occurring at a separate parcel, and the River Museum was concerned about the driveway access. The property owner of the Essex Boat Works stated that a 40' access strip was sufficient for access, and members of the public began talking about the specific site plan. Chairman Kerr requested that discussion of specific site applications be ceased and attention be re-focused on the language of the amendment.

Attorney Terry Lomme, a property owner in the Waterfront District, stated that he was concerned about the regulatory language that could allow restaurants into nearly any building in the District, and while a restaurant at a Yacht Club might be acceptable, one in the Chandlery building or the Kleinschmidt office would be inappropriate. John Guszkowski stated that the existing "customarily incidental" clause should serve to alleviate most of those concerns. John Bairos clarified that Attorney Smith had been given an opportunity to review the proposed edits from Attorney Branse. Attorney Smith stated that all regulations relative to performance standards of accessory uses would apply to these new regulations.

Chairman Kerr then asked John Guszkowski his opinion of the proposed amendment. John Guszkowski stated that, in a read of the amendment and not the potential individual site plans, the Plan of Conservation & Development was strongly in favor of increasing the variety of uses in the Waterfront area, particularly mentioning restaurant uses. He noted that septic concerns and community character were of course strong considerations in making any site-specific decision, but

the PoCD was quite clear on this matter. Jane Siris stated that the PoCD also encouraged promotion of increase pedestrian access to the riverfront and mitigating vehicle parking and traffic issues through pedestrian corridors.

Chairman Kerr stated that he agreed with John Guskowski's read of the PoCD, and that the basic text of the amendment was strongly supported by the PoCD's goals. He asked if other Commissioners had a view of this.

Motion to issue a report to the Zoning Commission finding the proposed text amendment in harmony with the Plan of Conservation & Development by Erin Bogan, **seconded** by George Sexton. Chairman Kerr asked if there was additional discussion.

Ralph Monaco stated that he thought the Commission should wait and review this next month, given the Zoning Commission's schedule. He stated that it was difficult to consider regulatory amendments in a vacuum, and additional context was frequently helpful. John Guskowski stated that the existing regulations about performance standards, the special exception process, and the "customarily incidental" clause should allow the Zoning Commission sufficient grounds to eliminate inappropriate proposals.

Cole Taylor, a resident and business owner, was allowed by Chairman Kerr to address the Commission. He stated that the application review process by Zoning was a very long and arduous process. He stated that times have changed in Essex, and the regulations and land use policies had to change as well, particularly to address the many vacancies in Essex Village. More restaurants and activity would be beneficial, and he urged Planning not to hold up this application. Attorney Branse stated that the River Museum receives over 25,000 visitors annually and the Planning Commission should work to keep the Museum vibrant and viable. The Essex Boat Works owners stated that they did want to increase the viability of the entire waterfront area. John Bairos clarified the regulatory review process. Erin Bogan stated that she could see no reason in the PoCD not to find this application in harmony. Chairman Kerr called the question.

Motion carried unanimously.

a. **Election of Officers, 2017**

Chairman Kerr opened the floor for nominations for Chairman and Vice-Chairman.

Motion to re-elect the current slate of Alan Kerr, Chairman and George Sexton, Vice-Chairman by John Bairos, **seconded** by Gary Riggio. Chairman Kerr asked for other nominations from the floor. There were no other nominations. **Motion carried unanimously.**

b. **Establishment of Meeting Schedule, 2017**

Motion to adopt proposed schedule of meetings for 2017, retaining 2nd Thursday of each month by Erin Bogan, **seconded** by Gary Riggio. Ralph Monaco questioned the August meeting, and Chairman Kerr stated that while the August meeting was generally cancelled, it was easier to retain it as a scheduled meeting than to have to call a special meeting should there be business before the Commission. **Motion carried unanimously.**

4. **Old Business**

a. **Accessory Apartment Regulations Discussion – Zoning Commission Meeting**

Chairman Kerr described the November public hearing of the Zoning Commission and stated that he thought that overall, the Commission was favorably inclined toward the Planning Commission's proposal concerning modifying the Accessory Apartments (Sec. 45) regulations. There were a few outstanding discussion points that the Planning Commission should address. The first of these was the permit process, where some Zoning Commissioners would be satisfied with a staff level Zoning Permit and others preferred a Site Plan review. John Guskowski clarified the permitting differences and stated that either would be preferable to the current Special Exception process. He stated that, given the requirement not to create an additional curb cut or modify the character of the house or neighborhood, a staff-level review by competent staff should be sufficient.

Chairman Kerr stated that a second question from the Zoning Officer was the elimination of an interior door connecting the primary unit from the Accessory Apartment. The Commission had a general conversation about this matter, and noted that the accessory unit is intended to be entirely independent of the primary unit. Chairman Kerr then noted that the Commission was concerned about lease length for the accessory unit and wished to avoid "AirBNB" rentals. John Guskowski stated that this was an issue beyond accessory apartments and should be addressed in a wider-ranging amendment. Finally, he noted a potential conflict between proposed Sections 45.C and 45.D relative to zoning setbacks. The Commission discussed this and by consensus agreed that existing zoning setbacks should be observed. Ralph Monaco stated that intensification of uses was a concern, and neighborhood relations should be considered.

Chairman Kerr requested that John Guskowski prepare a memo to the Zoning Commission stating the Planning Commission's opinion on these remaining matters prior to the final public hearing on this amendment.

b. **PoCD Implementation and Zoning Working Group Participation**

John Guskowski stated the Working Group was continuing its work at reorganizing and simplifying the current Zoning Regulations, but that he was unable to attend the most recent session. He repeated his concerns about the purpose or effectiveness of this effort, but stated that he would continue to participate.

c. **Grant Project Updates – STEAP and TAP**

John Guskowski reported that the STEAP grant to improve the sidewalks and streetscape on Main Street Centerbrook was underway. He met with First Selectman Needleman and additional staff about this issue. Town Engineer Bob Doane would be taking the lead in cost estimation and design, and there was hope that the reconfiguration of Dennison Road at Main Street could be included in the grant. Chairman Kerr requested to be kept in the loop on this project. There was no additional update on the TAP grant.

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 RiverCOG meeting due to the Zoning Public Hearing, and invited additional representation from the Commission.

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

George Sexton stated that the EDC would be meeting next week.

d. **Planner's Report**

John Guskowski, at Ralph Monaco's request, provided updates on the active-adult/senior-targeted residential developments on Bokum Road, including the in-progress construction at Essex Glen.

6. **Correspondence & Invoices**

Chairman Kerr noted the correspondence from the Board of Selectmen requesting budget proposals from each Board and Commission before January 19th. The next Planning Commission meeting is January 12.

7. **Adjournment**

Motion to adjourn by George Sexton, seconded by John Bairos. Motion carried unanimously.
Meeting was adjourned at 9:02 p.m.

Respectfully submitted,

John Guskowski
Consulting Town Planner

RECEIVED FOR RECORD
2/2/13 2016 at 9:60A.M.
George M. Kozick
ESSEX, CT - ASSIST. TOWN CLERK