



## ESSEX PLANNING COMMISSION

**Regular Meeting  
December 13, 2012  
Essex Town Hall  
Meeting Room A**

### MINUTES

**1. Call to Order and Seating of members:**

Chairman Tom Danyliw called the meeting to order at 7:30 p.m. In attendance were Commissioners Linda Herman, Alan Kerr, and Carla Feroni. Seated for member Ralph Monaco was Alternate Neil Nichols. Also in attendance were Alternates Claire Tiernan, Robert Laundry, and Town Planner John Guskowski.

**2. Approval of Minutes:**

**Motion to approve minutes of Regular Meeting of October 11, 2012** by Linda Herman, **Seconded** by Carla Feroni. **Motion carried unanimously.**

**Motion to approve minutes of Special Meeting of November 27, 2012** by Linda Herman, **Seconded** by Carla Feroni. **Motion carried unanimously.**

**3. New Business**

**a. Election of Commission Officers**

Chairman Danyliw noted that the positions of Commission Chairman and Vice Chairman were open for election for a term of one year.

**Motion to nominate Tom Danyliw as Planning Commission Chairman** by Carla Feroni, **Seconded** by Linda Herman. There were no other nominations for Chairman. **Motion carried unanimously.**

**Motion to nominate Linda Herman as Planning Commission Vice-Chairman** by Carla Feroni, **Seconded** by Alan Kerr. There were no other nominations for Vice-Chairman. **Motion carried unanimously.**

The Commission thanked Chairman Danyliw and Vice-Chairman Herman for their service to the Town.

**b. 2013 Meeting Schedule**

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John Guskowski presented the proposed calendar of meetings for 2013 to the Commission, following the previously-established second-Thursday model. Chairman Danyliw reviewed the proposed meeting dates and questioned whether any Commissioners had conflicts with any of the proposed dates. Based on this feedback, the February, March, April, and August meetings were all pushed back to the third Thursdays. Meeting dates will be:

January 10, 2013	7:30 p.m.
February 21, 2013	7:30 p.m.
March 21, 2013	7:30 p.m.
April 18, 2013	7:30 p.m.
May 9, 2013	7:30 p.m.
June 13, 2013	7:30 p.m.
July 11, 2013	7:30 p.m.
August 15, 2013	7:30 p.m.
September 12, 2013	7:30 p.m.
October 10, 2013	7:30 p.m.
November 14, 2013	7:30 p.m.
December 12, 2013	7:30 p.m.
January 9, 2014	7:30 p.m.

**Motion to adopt the schedule of Planning Commission meetings for January 2013-January 2014 as revised** by Neil Nichols, **Seconded** by Linda Herman. **Motion carried unanimously.**

### c. FY 2013-2014 Budget (Initial Discussion)

Chairman Danyliw noted the current budget statements indicated relatively low expenditures. John Guskowski pointed out that the statements were from the beginning of November and did not yet reflect the consultant and legal expenditures approved at the November 27 Commission meeting. He further discussed that significant expenses from engineering, legal, and planning consultants had been borne by applicants via the revised Fee Ordinance. Chairman Danyliw noted that the Engineering line item had not been expended, and stated that in the narrative associated with the proposed budget should point out that the change in Fee Ordinance has resulted in cost benefits to the Town.

Chairman Danyliw proposed that the line item for consulting planning services (CME Associates) be increased by 2% to reflect the core inflation rate increase. Carla Feroni proposed that 2.5% would be appropriate. This would be an increase of \$1,100 in this line item.

Linda Herman led a discussion about the fee structure and the difference in the Ordinance between application fees and post-approval fees. She noted that it was important for the Commission to recover its costs, and requested an accounting of fees vs. expenditures from consultants in application processing. John Guskowski stated that he would work with Finance Director Kelly Sterner to provide that detail.

Chairman Danyliw asked if there were any other proposed changes to the draft budget. John Guskowski noted that the part-time payroll line item would be covered by CME

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Associates for the remainder of the year, and most likely in the next fiscal year, as he would personally be handling responsibilities as recording clerk for the Planning Commission and the TOPPS Subcommittee. There was a general discussion about the appropriateness and procedure of having John Guskowski handle minutes and billing for those services. Guskowski stated that he would handle the service as a separate, lump-sum service apart from the consulting planning services. Chairman Danyliw stated that he believed the Planning Commission budget reflected a prudent, restrained, and conservative approach.

**Motion to recommend submission of proposed FY 2013-14 Planning Commission budget with 2.5% increase for Planning Consulting Services** by Carla Feroni, **Seconded** by Linda Herman. **Motion carried unanimously.**

John Guskowski will work with Chairman Danyliw on drafting the “story behind the numbers” narrative for the Selectmen’s review.

### d. Appointment of RiverCOG Representative

Chairman Danyliw thanked Alan Kerr for his excellent service to the Commission as a representative to CRERPA, and now RiverCOG, and asked if he would be willing to continue that service. Alan Kerr stated that he was ready to proceed with continued service.

**Motion to appoint Alan Kerr as the Commission Representative to RiverCOG** by Linda Herman, **Seconded** by Carla Feroni. **Motion carried unanimously.**

**Motion to appoint Frank Hall as the Alternate Representative to RiverCOG** by Alan Kerr, **Seconded** by Tom Danyliw. Discussion followed about Frank Hall’s role and history of municipal service. John Guskowski and Claire Tiernan discussed his excellent service as chairman of the Essex Citizens for Clean Energy. **Motion carried unanimously.**

## 4. Old Business

### a. Accessory Apartments/Affordable Housing Zoning Recommendations

Chairman Danyliw reported on his discussion with the Zoning Commission in July, when he presented the proposed amendments to the Zoning Regulations with respect to permitting Accessory Apartments. He stated that he did not get much interest from Zoning, who thought that the Regulations were generally structured to reduce overall density in Town, and that the survey conducted prior to the 2005 Plan of Conservation & Development (PoCD) was not supportive of Accessory Apartments. Chairman Danyliw argued that the responses to that survey were somewhat weighted, but the overall PoCD was supportive of affordable housing opportunities. He further stated that Norm Needleman expressed concerns about the Town’s vulnerability to affordable housing appeals, but members of the Zoning Commission also expressed concerns about adding to the school costs, future conversion to two-family dwellings, or overall town density. Chairman Danyliw said the overall tone was discouraging to a proposed amendment.

There was a general discussion among the Planning Commission about re-sending a survey or questionnaire to Essex residents. John Guskowski pointed out that it might be

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appropriate to begin surveys in preparation for an update to the PoCD, which was due in 2015. It was generally agreed that the phrasing of the questions and survey approach was very important. Carla Feroni stated that before surveys or polls would be conducted, it was important to educate the public about the purpose of the survey and the importance of the PoCD in general. Chairman Danyliw requested that John Guskowski request RiverCOG's assistance with preparing surveys for the PoCD update, and invite them to the January Planning meeting for this discussion.

Alan Kerr asked about timelines to update the Subdivision Regulations. John Guskowski responded that the Subdivision Regulations were not under any statutory timeclock to update, but following the Foxboro open space discussions, it would be appropriate to begin a review of the conservation land regulations. Chairman Danyliw asked that this discussion be placed on the January agenda.

### **b. Ivoryton and STEAP Grant Updates**

John Guskowski updated the Commission on these active and pending grants. He stated that Phil Esser and Epsilon Systems are under contract to prepare an application of nomination for the Village of Ivoryton to the National Register of Historic Places, and that he would work with Neil Nichols' ad-hoc group and the Historical Society on public outreach for that project. He anticipated the nomination would be submitted to the State in late spring 2013. Chairman Danyliw thanked Neil Nichols for his leadership and wisdom in bringing the selection process to completion.

John Guskowski also reported that the STEAP grant is proceeding to contracting with the State, and Lee Thompson was working with the First Selectman's office to prepare an RFP for design services. News on the Main Street Investment Fund Grant application for Ivoryton Center is being delayed by the State, and the Town anticipated hearing on this application in March or April.

## **5. Report of Committees and Officers**

### **a. Report from TOPPS (Traffic Calming) Subcommittee**

Claire Tiernan reported that the TOPPS Subcommittee had very productive discussions with representative from the Police and Fire Departments with regard to the removal of the traffic island at the mouth of Grove Street and West Avenue, as well as the efficacy of the various traffic calming measures proposed by the Subcommittee. She stated that the Subcommittee was generally agreeable to the removal of the island as long as the intersection was narrowed. The Library has agreed to manage the placement and removal of the in-street pedestrian crossing sign, which was provided by Public Works Director Dave Caroline. Claire Tiernan stated that the goal of the group was to use Grove Street as a template and test different traffic calming measures that could then be applied more effectively elsewhere in town.

### **b. Report from Inland Wetlands Representative**

Claire Tiernan reported that the Inland Wetlands Commission had not met yet in December.

**c. Report from RiverCOG Representative**

Alan Kerr reported that the COG had not had a business meeting, and did not have one immediately scheduled.

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

Bob Laundry reported that EDC was reviewing proposed changes to the Zoning Regulations seeking to relax minimum separation distances between restaurants as well as regulations that would seek to restrict fast food franchises in town. The EDC was generally supportive of the reduction of separation distances, but was dubious about the approach and specifics of restricting franchises or fast-food establishments. He stated that the Public Hearing on these proposals is set to open on January 28, 2013. The Planning Commission should be receiving a referral in advance of that Hearing.

He also reported that AT&T is seeking to add antennas to the telecommunications tower placed on the water tower near the Witch Hazel complex. There was a general discussion about the authorities of the Zoning Commission and the Connecticut Siting Council. It is hoped that AT&T will agree to repaint the water tower as part of its application and approval.

**e. Chairman's Report**

Chairman Danyliw had no additional report.

**f. Planner's Report**

John Guskowski reported that the long-delayed Safe Routes to School design revisions seemed to be back on track, as design engineer Bob Doane was dealing with recovering from the departure of his business partner Darcy Collins. The DOT seems engaged and eager to proceed with this project. He also reported that the WPCA Chairman Susan Malan and Town Health Director Lisa Fasulo would be seeking to undertake a comprehensive update of the Town's sewage disposal policies, and would be seeking Planning Commission support within the next several months.

Finally, he reported conversations with Attorney Terry Lomme and Commission Counsel Dave Royston concerning the Foxboro Subdivision appeals and settlement. Attorney Lomme reported to John and Chairman Danyliw that all legal appeals had been settled, including the neighbors' appeal. The neighbors will be granted an expanded view easement, restricting fencing heights along Lot #5 in addition to Lot #6. He anticipated that all conditions would be met and mylars would sought to be filed as soon as the appeal period ended on December 19. Attorney Royston recommended that the Commission formally authorize Chairman Danyliw to sign the mylars on the dual conditions that all terms of the settlement and approvals are met and that all legal appeals are concluded

**Motion to authorize Chairman Danyliw to sign the Foxboro subdivision mylars upon confirmation that all terms and conditions of the approval and settlement had**

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**been met and upon confirmation that all legal appeals on this matter had been concluded** by Carla Feroni, **Seconded** by Neil Nichols. **Motion carried unanimously.**

### 6. Correspondence and Invoices

John Guskowski noted that the Freedom of Information complaint filed in conjunction with the Foxboro appeals had been dropped, and the letter of withdrawal from Attorney Lomme was included in the correspondence file.

### 7. Adjournment

**Motion to adjourn** by Neil Nichols, **Seconded** by Linda Herman. **Motion carried unanimously.** Meeting adjourned at 8:58 p.m.

Respectfully submitted,

John Guskowski  
Consulting Town Planner