



ESSEX PLANNING COMMISSION

Regular Meeting
September 12, 2013
Essex Town Hall – Room A

MINUTES

1. Call to Order and Seating of Members:

Chairman Tom Danyliw called the meeting to order at 7:32 p.m. In attendance were Commissioners Linda Herman and Alan Kerr. Seated for Ralph Monaco was Alternate Bob Laundy and seated for Carla Feroni was Claire Tiernan. Also in attendance were Bob Doane, PE, and, Tom and Sally Riggio, Attorney Terry Lomme, Attorney Steve Cline, RiverCOG Planner Jeremy DeCarli, and Town Planner John Guskowski.

Chairman Danyliw noted the passing of Planning Commission member Neil Nichols and requested a moment of silence in his honor.

2. Approval of Minutes: July 11, 2013

Motion to approve minutes of July 11, 2013 by Alan Kerr, seconded by Bob Laundy. Motion carried unanimously.

John Guskowski noted that an additional Zoning Map Amendment referral had been submitted by the Zoning Commission and requested that it be added to the agenda.

Motion to add Zoning Map Amendment referral to Agenda as Item 3.d. by Bob Laundy, seconded by Alan Kerr. Motion carried unanimously.

3. New Business

a. Subdivision Application – Orchard Heights (Riggio)

Bob Doane, PE of Doane-Collins represented the application, explaining that this application by Tom and Sally Riggio is a re-submission of a previously approved subdivision from 2008. The Riggios propose to subdivide 6 acres on a private roadway off Orchard Heights Road (with one existing house) into two lots. He noted that all of the public improvements, including private roadway, drainage and monumentation was already completed and in place. The subdivision was nullified because the mylars were not filed within 270 days of the expiration of the appeal period.

Because the application is substantively identical to the previously approved subdivision, Mr. Doane requested that application fees be waived. He noted that the Fee Ordinance had changed since the last application, and represent an unnecessary and significant cost to the Riggios. He stated that most of the technical review had been done, and there was no

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statutory need for a public hearing. Chairman Danyliw stated that extensions for the filing of mylars had been granted up to the Commission's authority to do so, and this represented a new application, not a resubmission. John Guszkowski stated that while it technically was a new application because of the statutory nullification, the application was substantively identical to the previously approved plan.

Alan Kerr asked for clarification of the fee structure and purpose. John Guszkowski reviewed the Fee Ordinance changes with the Commission. Chairman Danyliw and Linda Herman questioned the sort of precedent that would be set if fees were waived after a failure to file mylars. Sally and Tom Riggio addressed the issue, stating that they had applied in good faith in 2008 and were surprised to learn that the mylars had not been filed. John Guszkowski read the minutes from the November 2008 Planning Commission meeting indicating that the Conditional Approval given at that meeting had been for the explicit purpose of allowing the applicant to file mylars. Tom Riggio stated that there had been confusion and lack of communication from former ZEO Marian Staye. Attorney Steve Cline presented a letter from March, 2008 from Attorney David Royston that created uncertainty or confusion for the applicant about the process of filing mylars. John Guszkowski presented a letter from Attorney Royston from April 2008 that seemed to clarify the Conditional Approval procedure.

Bob Doane stated that it was less important about which party was ultimately responsible for the lack of communication or filing of mylars, but more important that the application had already been reviewed and approved. Chairman Danyliw asked if the Commission would be interested in waiving a portion of the fees, and read a letter from Attorney Cline requesting a waiver of the fees per the Waiver provision of the Subdivision Regulations (Section 3.5). The letter requested that the Base and Per-Lot fees be waived. Linda Herman agreed that the conditions described by this waiver were unique and not generally applicable to other properties or applications, and thus did not create a precedent.

Motion to waive Base Fee and Per-Lot Fee based on the completion of all necessary improvements and the unique circumstance of this application having been reviewed previously by Bob Laundry, seconded by Claire Tiernan. Motion carried unanimously.

Bob Doane stated that the other element of the Regulations that had changed since the original application approval was the hierarchy of conservation options. He explained the conservation proposal, which is an easement area on each of the two lots, as the fourth option in the hierarchy, but the size and location of this subdivision made it the most reasonable choice. Linda Herman noted that this was acceptable to the Commission in 2008 and Chairman Danyliw polled the Commission on their concurrence with this conservation option; there was consensus on the Commission that this option met the goals of the Regulations. John Guszkowski noted the letter from Attorney Royston requesting final approval of easement language prior to filing of mylars.

Motion to approve subdivision with Base and Per-Lot Fees waived and subject to the conditions of the letter dated September 11, 2013 from Attorney Royston by Claire Tiernan, seconded by Alan Kerr. Motion carried unanimously.

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b. Zoning Text Referrals – Building Height; Location of Nonconformity

John Guszkowski pointed out that the Building Height amendments were suggested by the Planning Commission and slightly modified by Zoning to place the provision at the end of each Zoning section that allows commercial structures. Chairman Danyliw noted that, by consensus, this proposal was acceptable to the Planning Commission.

The second referral was a proposal to add clarification to Section 50 regarding nonconforming uses and improvements, which simply added language to alleviate confusion as to the specific nature of the nonconformity. Chairman Danyliw noted that, by consensus, this proposal was acceptable to the Planning Commission.

c. Zoning Map Amendment Referral – Essex Village/Waterfront Districts

Attorney Terry Lomme presented the proposed change to the Zoning Map, expanding the boundaries of the Waterfront Business District to include the former Clough property, adjacent to the Connecticut River Museum. The Museum just acquired the property and wishes to use it for office and museum space, which would be prohibited in the Essex Village District. He discussed some of the improvements that had been made connecting these properties. Alan Kerr and Chairman Danyliw stated that this proposal seemed like a benefit to the Town. Chairman Danyliw noted that, by consensus, this proposal was acceptable to the Planning Commission.

d. Zoning Map Amendment Referral – Business District

John Guszkowski explained this proposal, which would add several parcels immediately adjacent to the Route 9/Exit 3 Right-of-Way to the Business District. These parcels had not been included in the group of parcels converted from Limited Industrial to Business District several years ago, but the owners of the parcels wished for them to be added, as their current and likely uses better fit with the Business designation. Chairman Danyliw noted that, by consensus, this proposal was acceptable to the Planning Commission.

4. Old Business

a. Natural Hazards Mitigation Plan

Jeremy DeCarli of RiverCOG reviewed the progress on the NHMP draft, stating the substantial revisions had been made and significant input was sought and incorporated from municipal officials. The STAPLEE chart of priority action items had been completed, and the last major step for the Plan process was to solicit and incorporate input from the public. The draft Plan and a citizen survey had been put on the Town website, RiverCOG website, and noticed in a recent email newsletter from the Town, but responses were very light. The Plan is also available in hard copy at the Town Clerk's office and at the libraries. Chairman Danyliw wondered about the specific utility of the Plan to the general public. John Guszkowski and Jeremy DeCarli talked about the FEMA funding processes and the broadly-defined relevance to the public. The Town has relatively few repetitive-loss properties, but a number of properties are within high-risk flood areas.

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Claire Tiernan suggested that an Executive Summary be developed to the Plan, and that it be described in the upcoming Essex Events magazine with another solicitation on participation in the survey. Following the publication of Essex Events, the Commission agreed to leave the survey open for a few more weeks to allow for final public input. Jeremy DeCarli will develop the Executive Summary.

b. PoCD Updates – Statement of Intent and Goals

John Guszkowski stated that he had been attempting to add more detail to the outline framework that the Commission had developed in previous meetings. He continued the outline format, but found it a bit lacking. He offered an alternative approach that was more narrative-driven with a structure of Overview/Conditions Assessment/Goals/Action Steps based on a sample PoCD he worked on for the Capitol Region Council of Governments. The Commission agreed that more narrative, and particularly more descriptive statement of purposes and intent for each subsection would be appropriate, but to avoid an overly heavy narrative approach.

c. Ivoryton and STEAP Grant Updates

John Guszkowski stated that the STEAP grant project was moving forward to contracting, and various line-item tasks may have to be eliminated or paid for by the Town. The Town still hoped to construct the project this fall. There is no word yet from the National Parks Service about the Ivoryton nomination to the National Register of Historic Places. He also noted that the Main Street Investment Fund grant for Ivoryton was awaiting final contract signatures from the State.

d. Economic Development/Zoning/Planning Discussion

John Guszkowski noted that he had been coordinating with EDC Chairman Lon Seidman and new Economic Development Coordinator Susan Malan on organizing a joint discussion with the various Commissions. Susan Malan was also taking over responsibility for coordinating with the Connecticut Main Street Center, and the Center would be having a presentation and discussion at the Essex Elementary School about village redevelopment on Tuesday, October 29. The goal of this meeting is to encourage more grass-roots organization in each village, and particularly in Centerbrook, given its lack of formal organization and significant recent economic and business activity.

5. Report of Committees and Officers

a. Report from Inland Wetlands Representative

Claire Tiernan stated that the Wetlands Commission did not have any notable applications.

b. Report from RiverCOG Representative

Alan Kerr stated that the RiverCOG group was holding a number of discussions to try to establish new goals or vision for the region. There had been broad goals discussed such as a unified bicycle trail along the Connecticut River, and Alan was encouraged by the passion and energy present among the RiverCOG committee.

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c. Report from Economic Development Commission Representative

Bob Laundy stated that John Guskowski had covered a number of the EDC updates in his discussion earlier. He reported that EDC would be working with the Ivoryton Village Alliance on pursuing Department of Agriculture grants for improvement and promotion of the Ivoryton Farmers' Market.

d. Chairman's Report

Chairman Danyliw reported that he would be attending a meeting on September 17 with First Selectman Needleman and other Commission chairmen in a discussion with the new state Department of Housing Commissioner. The Commission agreed that promotion of affordable housing in Essex was a key priority.

e. Planner's Report

John Guskowski updated the Commission on the Town's efforts to pursue grant funding or state financial cost-share on replacement of the two short bridge spans on Ivory Street. He and First Selectman Needleman had been working through the process and attempting to determine if it was more costly to work with the State vs. funding the project alone. He also discussed his recent meetings with the Essex Housing Authority and their affiliated nonprofit group in their efforts to add 20-23 units of elderly housing behind Essex Court. He reported that he encouraged the nonprofit to pursue their local approvals via CGS Section 8-30g, the Affordable Housing Appeals process. He also noted that the Selectmen were continuing to work on the proposed Blight Ordinance and shared a current draft with the Commission.

6. Correspondence and Invoices

Chairman Danyliw reviewed the correspondence, which included invoices from Attorney Royston and Halloran & Sage and a survey rating municipal compliance with the Freedom of Information Act by the Yankee Institute.

Motion to pay invoices by Linda Herman, **seconded** by Claire Tiernan. **Motion carried unanimously.**

7. Adjournment

Motion to adjourn by Linda Herman, **Seconded** by Claire Tiernan. **Motion carried unanimously.** Meeting adjourned at 9:27 p.m.

Respectfully submitted,

John Guskowski
Consulting Town Planner

REC'D FOR
9-13-2013 at 3:15pm
Sharon D. Nolin
ESSEX, CT TOWN CLERK