



ESSEX PLANNING COMMISSION

REGULAR MEETING
Thursday, December 12, 2013
7:30 p.m.
Essex Town Hall – Room A

DRAFT MINUTES

1. **Call to Order and Seating of Members**

Chairman Tom Danyliw called the meeting to order at 7:30 p.m. Seated for the meeting were Regular members Linda Herman, Carla Feroni, and Ralph Monaco. Seated for Regular Member Alan Kerr was Robert Laundry. Also in attendance was Town Planner John Guszkowski

2. **Approval of Minutes:**

Motion to approve minutes of November 14, 2013 Regular Meeting by Linda Herman, seconded by Bob Laundry. There were no corrections. Motion carried unanimously.

3. **New Business**

a. **Zoning Text Amendment Referral: Section 40 - Prohibitions**

John Guszkowski gave an overview of the proposed moratorium of 12 months to allow the Zoning Commission to decide on a policy and regulatory direction regarding medical marijuana production and dispensing. Ralph Monaco discussed the criteria for a moratorium being met, and John Guszkowski confirmed that given the limited duration and specific task to be undertaken, he believed it was a wholly legitimate approach. Chairman Danyliw polled the Commissioners and confirmed that the Planning Commission looked favorably on this proposed amendment.

b. **Zoning Text Amendment Referral: Section 70 – Essex Village District**

John Guszkowski and the Commission reviewed the proposed changes included for the Village District. The Commission raised several questions and concerns that should be addressed by Zoning before the Planning Commission would provide a recommendation on this proposal. These questions included:

- What is the reasoning behind the 1,600 square foot cap for retail stores in §70A.2(D)? Is there significance behind that number?
- Why is “watch repair” being singled out for elimination as an allowed use?
- Why is the prohibition on drive-up windows in §70A.2(H) being lifted?
- Has the Commission’s attorney reviewed the legality of entirely prohibiting specific businesses, such as tattoo parlors, head shops, check-cashing facilities, and massage parlors?

The Planning Commission also had the following comments on the proposed amendments to Section 70:

- The Economic Development Commission should be consulted for their opinion and commentary on these amendments;
- While consolidating signage regulations under a single section of the Regulations may be a good idea, the Commission recommends that the individual sign regulations should not be deleted prior to the creation of a new section. Rather, this deletion should be done concurrently with the creation of a new section.

c. Zoning Text Amendment Referral: Section 80- Commercial District

John Guszkowski and the Commission reviewed the proposed changes included for the Commercial District. The Commission raised several questions and concerns that should be addressed by Zoning before the Planning Commission would provide a recommendation on this proposal. These questions included:

- Why is “watch repair” being singled out for elimination as an allowed use?
- Why is the prohibition on drive-up windows in §80A.2(J) being lifted?
- How does the Zoning Commission propose to define “massage parlors” as distinct from therapeutic massage treatment, day spas or other similar services?
- How does the Zoning Commission propose to define “head shops” as distinct from a tobacconist or retail operation, such as a convenience store or general store which may sell tobacco products and paraphernalia?
- Has the Commission’s attorney reviewed the legality of entirely prohibiting specific businesses, such as tattoo parlors, head shops, check-cashing facilities, and massage parlors?
- What will be the ultimate definition of “Indoor Recreational Facility”?
- Are the question marks and commentary in §80A.2(S) and (V) part of the existing Regulations?

The Planning Commission also had the following comments on the proposed amendments to Section 80:

- The Economic Development Commission should be consulted for their opinion and commentary on these amendments;
- While consolidating signage regulations under a single section of the Regulations may be a good idea, the Commission recommends that the individual sign regulations should not be deleted prior to the creation of a new section. Rather, this deletion should be done concurrently with the creation of a new section.
- The Planning Commission endorses the proposal to eliminate pawn shops as an allowed use in this District.
- The Planning Commission endorses the removal of the 10-seat limit for restaurants.

d. Adoption of 2014 Commission Meeting Schedule

John Guszkowski clarified that the Auditorium location for the February-June meetings will accommodate a hoped-for larger crowd to participate in the Plan of Conservation & Development discussions. Chairman Danyliw reviewed the proposed meeting

schedule for 2014 and noted two conflicts. He requested that the May meeting be moved to May 15, and the August meeting be moved to August 21st. The Commission had no objections to these modifications. Motion to adopt the 2014 Commission Meeting Schedule as amended by Bob Laundy, seconded by Linda Herman. Motion carried unanimously.

e. **Election of Commission Officers, 2014**

Linda Herman noted that she would be willing to step aside as Vice-Chairman should another Commissioner be interested in serving. Motion to re-elect the current Chairman (Tom Danyliw) and Vice-Chairman (Linda Herman) for 2014 by Ralph Monaco, seconded by Bob Laundy. Chairman Danyliw asked if there were any other nominations, and there were none. Motion carried unanimously.

4. **Old Business**

a. **Natural Hazards Mitigation Plan**

John Guszkowski presented the final draft of the NHMP and focused on the Comprehensive Mitigation Action Items in Figure 15 of the Plan. Chairman Danyliw asked if the Plan held requirements of the Town to provide funding per the statement on page 12, under item 3. Resources, that states “The Town must allocate sufficient resources to implement the actions prescribed in the Plan, as well as to maintain the Plan through regular updates (every 5 years).” John Guszkowski stated that he believed that this was only to satisfy the matching funds requirement for FEMA funding, but was not certain. This will have to be clarified by RiverCOG.

The Commission then reviewed the items in Figure 15 that related to the Planning Commission, suggesting changes. These included:

- **Amend Flood Ordinance:** should add Zoning Commission as additional responsible party
- **Flood Zone Study:** date should be changed from 2088 to 2008.
- **Forest Management Plan:** responsible party should be changed from Planning Commission to Emergency Management Director, Fire Departments and/or Tree Warden.
- **Land Use Regulation:** should add Planning Commission to list of responsible parties.
- **Post Disaster School Arrangements:** should eliminate Planning Commission as responsible party.
- **Recovery & Reconstruction Plan:** should add Board of Selectmen, Public Works, and Emergency Management Director as responsible parties.
- **Underground Utilities:** should add Planning Commission to list of responsible parties.
- **Boats:** should eliminate Planning Commission as responsible party, and add Public Works and Harbor Management Commission.
- **Pet Sheltering:** should eliminate Planning Commission as responsible party
- **Public Participation:** should add Emergency Management Director to list of responsible parties.

John Guszkowski will work with RiverCOG to make these changes, and the Commission anticipates endorsement of the Plan in January 2014.

b. Plan of Conservation & Development – Issue Forum Schedules

Chairman Danyliw discussed the proposed schedule of public forum sessions to solicit input on sections of the PoCD, and noted that the May meeting would be pushed back to the 15th. He stated that the Commission's approach should seek to solicit useful input and should ask specific questions. He suggested a short presentation of what the existing plans are and seek response. John Guszkowski suggested having a large map of properties in each area that could be highlighted for preservation, conservation, or development. Linda Herman suggested having a list of priority issues that the public could "vote" on with little stickers or notes.

Chairman Danyliw requested that John Guszkowski formalize a proposed approach for the January meeting, as well as inviting other Commissions to participate. Carla Feroni suggested enlisting RiverCOG staff to assist with the facilitation. The Commission was in agreement with this suggestion, and Chairman Danyliw requested that John Guszkowski work with RiverCOG to participate and help with the public forum sessions.

c. Municipal Grants/Project Updates

John Guszkowski updated the Commission on the STEAP grant project, which was nearing completion at the Town Hall parking lot. The tennis courts would be completed in the spring. He stated that First Selectman Needleman will be moving forward with the Ivoryton Main Street grant project after the STEAP grant is complete. He will have a steering committee led by Selectwoman Stacia Libby. The CT Main Street Center grant for Centerbrook is still pending. The Town also just submitted request for funding for the replacement of the Walnut Street bridge. Carla Feroni asked about the wastewater study in Ivoryton and whether it had ever been resolved. John Guszkowski stated that the Water Pollution Control Authority would be looking for funding from the Town and the DEEP to update their wastewater facilities plan in the next year or two.

5. Report of Committees and Officers

a. Report from Inland Wetlands Representative

Claire Tiernan was absent, so there was no report.

b. Report from RiverCOG Representative

Alan Kerr sent an update to the Commission via John Guszkowski. The report was read, and stated: "Regarding the RiverCOG, we continue to discuss the update of our regional POCD. As part of an effort to develop that plan, the RiverCOG staff is intending to visit the Planning Commissions of all of the member towns over the next four to six months. We are developing a questionnaire to be distributed to the Planning Commissions in order to find out what their planning priorities are and what issues they feel might best be addressed on a regional basis."

c. Report from Economic Development Commission Representative

Bob Laundry reported that the EDC had been discussing the proposed Zoning Regulation changes and sought clarification on the regulation of Home-Based Businesses vs. Home Occupations and the permitting of them. He reported that there is a general sense that Zoning Regulations are too restrictive and detrimental to encouraging business growth, and the EDC would like more communication and input on Zoning issues.

d. Chairman's Report

Chairman Danyliw had no additional formal report.

e. Planner's Report

John Guszkowski shared the Partnership for Strong Communities recent housing data profiles for Essex and suggested that it could be good background data for the PoCD. He had no further report.

6. Correspondence & Invoices

Motion to pay invoices from CME Associates, Dzialo, Pickett & Allen, and Halloran & Sage by Linda Herman, seconded by Bob Laundy. Motion carried unanimously.

7. Adjournment

Motion to adjourn by Bob Laundy, seconded by Linda Herman. Motion carried unanimously.
Meeting was adjourned at 9:05 p.m.

Respectfully submitted,

John Guszkowski
Town Planner (Consulting)

RECEIVED FOR RECORD
12-13 2013 at 3:40 PM
Frances D. Dolin
ESSEX, CT TOWN CLERK