



ESSEX PLANNING COMMISSION

**Regular Meeting
April 18, 2013
RiverCOG Office Meeting Room
145 Dennison Road, Centerbrook**

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 and Alan Kerr. Seated for Ralph Monaco was Alternate Claire Tiernan, and seated for Carla Feroni was Bob Laundry. Also in attendance were TOPPS Subcommittee member Susan VanBenschoten and Planner John Guskowski. Member Carla Feroni arrived at 7:35 p.m.

2. Approval of Minutes: March 21, 2013

Motion to approve minutes of March 21, 2013 by Bob Laundry, **seconded** by Linda Herman.
Motion carried unanimously.

3. New Business

a. Subdivision Application – Laurel Road/Grandview Terrace

John Guskowski noted that following the request by the property owners' representative to place this application on the agenda, no formal application has been received.

Chairman Danyliw noted that a memo had been received from the Zoning Commission regarding an application for Zoning text amendment and requested that the Planning Commission consider and comment on it. Chairman Danyliw added this to the agenda as New Business item B.

b. Zoning Referral – Proposed Amendment to Section 90 of Zoning Regulations

John Guskowski summarized the proposed amendment to the Zoning Regulations, which is being proposed by the Essex Fire Department. The amendment would add the use category of "fire training facility" to the permissible special uses in the Limited Industrial District along Plains Road. The Commissioners raised concerns over who would be allowed to use the facility, what size and scale would be allowed to be constructed, and questioned the need for such a facility locally when there is a state-of-the-art training facility in Windsor Locks. Carla Feroni questioned whether a training event would create smoke or other air pollution.

Draft Minutes

John Guskowski noted that there were no changes proposed to existing Section 90.B.2 of the Zoning Regulations, which place strict limits on smoke or other air pollution from activities in the Limited Industrial District. Chairman Danyliw stated that the strong prohibitions in Section 90.B.2 would essentially prevent the use of a fire training facility. He then confirmed that the Commissioners had reached two points of consensus about the referral, which should be conveyed to the Zoning Commission. These are: a) The Planning Commission is not in favor of adding the proposed use of “fire training facility” to Section 90 of the Zoning Regulations; and b) The likely use of properties in the Limited Industrial District as fire training facilities were not possible because of the existing prohibitions found in Section 90.B.2.

4. Old Business

a. Natural Hazards Mitigation Plan

The Commission reviewed a memo from Jeremy DeCarli of RiverCOG updating the Commission on progress in writing the NHM Plan. John Guskowski stated that Carla Feroni and he had been working with Jeremy on a revision to the first draft. Jeremy had included a proposed schedule of review and adoption for the Plan, and John Guskowski encouraged the Planning Commissioners to supply any feedback on the first draft within the next month.

b. PoCD Updates – Overview of Goals

The Commission reviewed the Goals and Objectives presented in the introduction of the 2005 Plan of Conservation & Development. The discussion tracked the enumerated goals on pages 12-15 of the PoCD as follows: 1) Primary Centers of Development – Chairman Danyliw stated that the focus on commercial development was too narrow, and that overall community development, including residential and cultural concerns should be included. There was a discussion about the difference between ‘community-,’ ‘economic-,’ and ‘commercial-development.’ Bob Laundy stated that economic development is not necessarily solely about the town’s tax base, but is about growth. Chairman Danyliw stated that the Commission should focus on what the town should look like, or be. John Guskowski read the Statement of Intent from page 1 of the PoCD, and suggested that it be re-written to be more descriptive and aspirational about the goals of the PoCD and should reflect the vision of the Commission for the Town. The Commission requested that John Guskowski propose a revised Statement of Intent. 2) Cluster Zoning – John Guskowski clarified that this section really should refer more specifically to Conservation Subdivisions and perhaps the Zoning Regulations that would empower them, but raised the issue of how strongly they should be emphasized. A discussion was held about the true value of conservation subdivisions, particularly on smaller properties or land of marginal conservation value. 5) Architectural Heritage – Chairman Danyliw stated that the Architectural Design Review Subcommittee’s recommendations were still pending before the Zoning Commission and requested that John Guskowski follow up to request the status of those proposed revisions. John Guskowski stated that the recommendations did not propose specific amendments to Zoning, but the Planning Commission could recommend specific changes and present a formal application to Zoning for consideration and action. Chairman Danyliw requested that John Guskowski prepare the proposed amendments based on the ADRS recommendations. 6) Economic Base – Bob Laundy

Draft Minutes

stated that this section was largely the charge and responsibility of the Economic Development Commission, but required support of Planning. 7) Housing – There was a discussion among the Commission about the purpose and meaning of “affordable housing,” and agreed that it should not be pursued and encouraged solely for state statutory requirements, but because it was critical to the vibrance of Essex and was part of encouraging active villages and community. 8) Infrastructure/Transportation – Chairman Danyliw suggested that the recommendations of the Transportation Study be adopted and incorporated in its entirety as an update or supplement to the PoCD. John Guskowski stated that they could do this at any point following a Public Hearing.

c. Subdivision Regulations – Conservation Land Provisions

John Guskowski discussed the proposed amendments to the Subdivision Regulations cleaning up the open space/conservation land language in Sections 5 and 6. He stated that these changes were meant to reflect the Commission’s preference hierarchy for conservation land disposition options. The fee-in-lieu option will be modified to make that option equivalent to a Section 3.5 waiver. Chairman Danyliw noted that the phrase “of all members” in the $\frac{3}{4}$ voting requirement for a waiver was unclear. He also suggested that the second line of proposed language under 6.12.2 be struck. There was a general discussion of the need to create additional language in the regulations that listed specific criteria for preferring one type of disposition over another, and whether that allowed the Commission sufficient structure yet allowed flexibility of decision-making. Linda Herman questioned the value of a homeowners’ association and whether the Town had any enforcement if the conservation land was not being properly maintained, citing the Eagle Ridge subdivision as a concern. She questioned if the open space was not worthwhile, wouldn’t it be better to take a fee? Carla Feroni questioned the purpose and limits of open space, and whether some templates for uses and restrictions should be in place, as opposed to an ad-hoc negotiation or a proposal by the applicant that the Commission and its attorney had to respond to.

John Guskowski stated he would revise the proposed amendments and the Commission would reconsider the issue in May.

d. Open Space Acquisition Sinking Fund

There are no additional comments from other Commissions or Agencies in response to the Planning Commissions request for input on priority lands for acquisition. The Selectmen are currently considering the issue.

e. Ivoryton and STEAP Grant Updates

John Guskowski presented the draft nomination to the National Register of Historic Places to the Commission for their review. He also discussed the STEAP grant, briefly reviewing the proposed re-development and modified layout of the Town Hall parking area. Carla Feroni asked whether any low-impact-development or pervious paving treatments would be incorporated into the design. John Guskowski stated that he did not believe any of these elements had been considered, and the Commission requested that John convey to the design team that they would like these elements considered as part of the initial design.

5. Report of Committees and Officers

a. Report from TOPPS (Traffic Calming) Subcommittee

Claire Tiernan reported that the TOPPS subcommittee met earlier that day. After noting that many of the recommended improvements on Grove Street are still pending full review by the Traffic Authority and the STEAP grant, the TOPPS group shifted its focus to Mares Hill Road. TOPPS committee member Susan VanBenschoten discussed the concerns on Mares Hill Road, which are primarily speed, which shows the 85th percentile driver going 20 mph above posted speed limits, and the absence of sidewalks or pedestrian pathways. The TOPPS recommendation for addressing this is the placement of three permanent speed humps, which are low, wide shelves that reduce speed. The effectiveness of these humps could be monitored and used as a template for other residential roads in Town. Public Works Director Dave Caroline had agreed that these could be constructed at relatively minimal cost to the Town and within his existing road improvements budget. Susan VanBenschoten suggested that the need for these humps should be documented more formally, and the Traffic Authority (Board of Selectmen) should hold a public information session regarding their (anticipated) intention to install these treatments. The Planning Commission requested that the TOPPS subcommittee work to develop the presentation for the Traffic Authority and Selectmen on enacting this recommendation.

b. Report from Inland Wetlands Representative

Claire Tiernan reported that she had been unable to attend the previous Wetlands meeting, but noted that the Fire Department had received a notice from Wetlands Officer Joe Budrow for erecting a fence in a wetlands area on the parcel they propose to use for their fire training facility.

c. Report from RiverCOG Representative

Alan Kerr stated that there was no report from RiverCOG, which is still seeking to establish a schedule of meetings for the new, larger Regional Planning Commission.

d. Report from Economic Development Commission Representative

Bob Laundry reported that EDC met again with representatives of CL&P in the aftermath of numerous power outages over the last two years, and stated that they are attempting to improve their smaller distribution facilities. He stated that the Commission also reached out to Bell Power, which had been rumored to be considering relocating after their recent sale, but indications are they will remain in Essex.

e. Chairman's Report

Draft Minutes

Chairman Danyliw reported that he had noticed some apparent clear-cutting of residential lots in the Gateway Zone across the Connecticut River in Lyme/Old Lyme, and requested that John Guskowski look into it. John reported that he contacted Torrance Downes at the Gateway Commission, and Torrance would be following up with Lyme officials as well as Chairman Danyliw.

f. Planner's Report

John Guskowski had no additional report. Carla Feroni asked about the status of the connector road paralleling Route 9 between Routes 153 and 154. John Guskowski stated that he would follow up with the Selectmen to ask them to comment on their decision not to follow the recommendations of the Transportation Plan, which proposed to convert this frontage road to a pedestrian corridor, not a one-way road as per the Selectmen. Alan Kerr asked about the potential use of LED/electronic signage at the gas station, and John Guskowski reported that it is an apparent loophole or unaddressed issue in the Zoning Regulations concerning signage. Chairman Danyliw requested that signage regulations be placed on the May agenda as a point of discussion.

6. Correspondence and Invoices

Chairman Danyliw reviewed the correspondence, which included invoices from Dzialo, Pickett, and Allen and CME Associates. John Guskowski stated that the Dzialo, Pickett and Allen invoice was for time spent by Attorney Royston in answering questions about the Hunter's Trail Extension subdivision, which had expired for non-filing. The Commission noted that this was not a pre-authorized discussion and, despite their intention to pay the invoice, request that Attorney Royston check with the Commission before spending time on non-active applications.

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

7. Adjournment

Motion to adjourn by Linda Herman, **Seconded** by Claire Tiernan. **Motion carried unanimously.** Meeting adjourned at 9:50 p.m.

Respectfully submitted,

John Guskowski
Consulting Town Planner