



ESSEX PLANNING COMMISSION

**Regular Meeting
June 13, 2013
Essex Town Hall – Auditorium**

MINUTES

1. Call to Order and Seating of Members:

Chairman Tom Danyliw called the meeting to order at 7:31 p.m. In attendance were Commissioners Linda Herman and Ralph Monaco. Seated for Alan Kerr was Alternate Bob Laundry. Seated for Carla Feroni was Alternate Claire Tiernan. Also in attendance were First Selectman Norman Needleman, Town Consulting Architectural Historian Phil Esser, Laura Mancuso from the State Historic Preservation Office, Fire Chief Steve Olson and Planner John Guskowski, as well as approximately 20 members of the public.

2. Approval of Minutes: May 9, 2013

Motion to approve minutes of May 9, 2013 by Ralph Monaco, **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.

b. Subdivision Application – Hunter's Trail Extension

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.

c. Transportation Plan – Discussion with First Selectman

First Selectman Needleman noted that representatives of the Fire Department were in attendance to discuss the current Zoning Amendment application concerning Fire Training Facilities in the Limited Industrial District for which the Planning Commission had recently submitted a negative referral comment. He suggested that Chief Steve Olson be given an agenda item to address the Commission

Motion to add New Business item for a Conversation with Fire Department Representatives by Linda Herman, **seconded** by Claire Tiernan. **Motion carried unanimously.**

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d. Fire Training Facility – Discussion with Fire Chief

Fire Chief Steve Olson discussed the proposed Training Facility to be located at Greider Field on Plains Road. He distributed a memo describing proposed activities and photos of the proposed training structure. He stated that there would be little to no burning, and smoke for training purposes would be “theatrical smoke” and would be primarily confined to the building’s interior. He stated that the Fire Department wished for the facility to be kept local, and this property had been used for training for many years, but were seeking to clean up the Zoning language to authorize it to continue.

Ralph Monaco asked about the specific location and visibility of the proposed structure, to which Chief Olson clarified the location and said that the property would be screened, and abutting property owners were supportive. Claire Tiernan noted that the Inland Wetlands Commission approved of the application. First Selectman Needleman noted that the property had been given to the Town by the State of Connecticut for fire training purposes.

Chairman Danyliw determined that the Planning Commission had reached a consensus that it would revise and re-submit a letter of comment to the Zoning Commission in support of approving the addition of “Fire Training Facilities” as a permitted use in the Limited Industrial District.

c. Transportation Plan – Discussion with First Selectman

The Commission then returned to discussion with First Selectman Needleman in a discussion of the Transportation Plan. First Selectman Needleman stated that the Board of Selectmen, as Traffic Authority, hadn’t solicited input from the TOPPS subcommittee about specific traffic recommendations. He stated that he believed that enforcement of speed limits was adequate for the time being. With the restoration of full police staffing and the pending acquisition of a speed monitor sign, traffic complaints were significantly down. He also stated he was very pleased with the long-overdue removal of the telephone pole in the middle of the Grove Street/West Avenue intersection.

Chairman Danyliw stated that while the Board of Selectmen is the Traffic Authority, the Planning Commission, on behalf of the Town, had invested tremendous resources, including a \$150,000 grant, in studying present and future transportation conditions in Essex, and was seeking to provide guidance and follow up on implementation. However, if the Traffic Authority isn’t interested in this input, the TOPPS subcommittee shouldn’t spend more time on meetings and recommendations. He stated that the Commission doesn’t wish for the Transportation Study investment to go to waste and questioned First Selectman Needleman about other solutions.

First Selectman Needleman stated that he believed that the major traffic concern is speed, and enforcement was improving the situation. He promised to review the Transportation Study in more depth. TOPPS subcommittee chairman Claire Tiernan stated that the subcommittee discovered that many of the problem areas were on State Roads, which present a difficulty in implementing improvements. Several recommendations on Grove Street were still pending, or were discounted by the Traffic Authority.

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Ralph Monaco stated that he hated to see the recommendations of the Transportation Study ignored, and thought that work should be invested in making roads safer and preventing accidents. He noted that traffic on Plains Road is of concern, but thought the sidewalks from Bokum Center to Essex Meadows were a good idea and were well used. First Selectman Needleman added that the narrow roadway on Westbrook Road and rock outcroppings that encroached into the shoulder area have created several overturned vehicles, but not enough to be a major priority for the State DOT. Chairman Danyliw stated that planning for prevention of accidents or prevention of speeding is a more proactive approach than enforcement of speeding.

John Guskowski expressed disappointment that the Traffic Authority was not presently interested in taking up the recommendations of the TOPPS subcommittee. He stated that while he understood the large number of issues the Selectmen dealt with and the need to establish priorities, he thought that this was all the more reason to expand the participation in the Traffic Authority decision-making and the need to enlist expert professional guidance on the Authority. He stated that the Transportation Study, and ongoing participation on the TOPPS subcommittee was aided by Susan VanBenschoten who is recognized as one of the foremost traffic experts in the State. To neglect that expertise, particularly when one of the most significant messages of these experts was that enforcement is not a sustainable solution, is troubling.

Chairman Danyliw and Vice-Chair Herman both stated that they hoped that the Traffic Authority would continue to consider the issue and that they should coordinate with John Guskowski for implementation priorities and suggestions. First Selectman Needleman agreed that the Authority lacked a depth of traffic expertise, but that he didn't believe that the data supported the need for significant change in road design. He agreed to work with John Guskowski to examine the Transportation Study in more depth. Chairman Danyliw stated that he did not want the Transportation Study to be neglected and encouraged the Board of Selectmen, as Traffic Authority, to be more proactive.

First Selectman Needleman then updated the Commission on the engineering design plans for the STEAP grant "Civic Campus" project, which would be proceeding to construction bidding this summer. The plans included the rain garden for stormwater management as recommended by the Planning Commission. John Guskowski stated that while the Commission had been involved with this grant from the conception and had likely satisfied its CGS §8-24 review, an additional resolution would probably be in order.

Motion to endorse the Civic Campus plans and proceed to construction phase by Claire Tiernan, **Seconded** by Bob Laundry. **Motion carried unanimously.**

4. Old Business

a. Ivoryton National Register Nomination – PUBLIC INFORMATION SESSION

John Guskowski introduced the topic and the result of two grants and the Commission's efforts to address the architectural heritage of Essex and its villages. He introduced Phil Esser from Epsilon Systems, the town's consultant in preparation of the nomination, and Laura Mancuso, from the State's Historic Preservation Office. Phil Esser discussed the history of Ivoryton as a very early industrial village, and one that is still remarkably in-tact.

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He noted that funds for the study and the nomination were derived from State grants, and reviewed the procedure of documenting properties and assembling the proposed district. He shared the proposed district map, and noted that the State Review Board would be taking up the question of the Ivoryton nomination on Monday, June 17.

A member of the public asked whether district boundary lines were streets, and Phil Esser responded that in some cases streets did provide boundaries but it was primarily a property parcel-based district. Some “non-contributing” properties were included in order to ensure that the entirety of the district was a contiguous area. Laura Mancuso stated that the State Historic Preservation Office loves Essex and finds it extremely well preserved and deserving of designation. She noted that the designation is honorary, and that residents can obtain plaques to post and that the district would be noted in the State and Federal files, allowing residents formal input on any substantial public changes to the district. She noted that the hearing would take place on Monday, June 17, 2013 at 9:30 a.m. at 1 Constitution Plaza in Hartford. She stated that public attendance was welcome but not critical. If the State Board approved the nomination, it would be forwarded to Washington, DC for their concurrence. Phil Esser noted that a late request came in from resident Wini Olson about noting the donation of land by Pratt-Read and this would be included in the document.

b. Natural Hazards Mitigation Plan

John Guskowski stated that a revision had taken place and noted the list of priorities prepared by RiverCOG, each with proposed primary implementation entity. The Planning Commission will review the action list and provide edits or input to John Guskowski by the end of June. Ralph Monaco questioned whether “tsunami” was a necessary disaster to consider.

c. PoCD Updates – Overview of Goals

The Commission reviewed the proposed revised draft of the Statement of Intent for the 2015 PoCD. The Commission generally agreed with the revisions and expanded outline of Major Goals and Objectives. Chairman Danyliw suggested that the Commission take a step-by-step approach in examining the Goals and Objectives, incorporating the goals of the 2005 Plan into the new document. He requested that John Guskowski begin with Goal #1 dealing with mixed use, compact, architecturally-appropriate development and assemble a proposed approach for the July 2013 meeting.

d. Subdivision Regulations – Conservation Land Provisions

The Commission reviewed the proposed changes to the Conservation Land provisions in the Subdivision Regulations, specifically focusing on the new clause placing the burden of proof on the applicant where the proposed conservation method was different from the Town’s priority. The Commission discussed the purpose and procedure for placing this burden on the applicant, as well as reviewed the proposed hierarchy of Conservation priorities. The Commission reached consensus on proceeding to formally consider the amendment in July. A brief discussion ensued about the process and necessity to have a public hearing. John Guskowski stated that he was nearly certain that a public hearing was not required, but it might be appropriate to post a notice on the website that this

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amendment was being considered. The Commission decided to proceed with this approach.

e. Ivoryton and STEAP Grant Updates

John Guskowski noted that the update of these projects was provided by prior agenda items.

f. ADRS Recommendations – Zoning Regulations

John Guskowski stated that he met with Neil Nichols to discuss the background and recommendations of the Architectural Design Review Subcommittee, specifically relating to the potential Zoning Amendments recommended. He pointed out that the commercial building height note as part of Section 80C of the Zoning Regulations allows a portion of the building to be up to 45' for façade purposes. This allowance, however, exists only in the Commercial District, and not in other areas such as the Essex Village District, Limited Industrial District, Heritage Gateway District, or other areas that may allow commercial structures and uses. He suggested that an amendment be proposed that would extend this allowance to all commercial areas/buildings. There was general discussion about the maximum height and whether it should be 45' per the Section 80C note or 35' per the ADRS recommendations. The Commission reached consensus that John Guskowski should draft a proposed Zoning Amendment application that extended the maximum height permission to 35' for façade purposes in all commercial districts.

5. Report of Committees and Officers

a. Report from TOPPS (Traffic Calming) Subcommittee

Chairman Danyliw requested that John Guskowski develop a letter to the TOPPS membership thanking them for their service and explaining that the subcommittee's work would be discontinued. He also wished to state to the TOPPS members and to the Traffic Authority that the Planning Commission remained strongly committed to advancing the recommendations and goals of the Transportation Study.

b. Report from Inland Wetlands Representative

Claire Tiernan reported that there was no new business before Wetlands, so the meeting was cancelled.

c. Report from RiverCOG Representative

Alan Kerr was absent, so there was no RiverCOG report.

d. Report from Economic Development Commission Representative

Bob Laundry reported that he missed the most recent EDC meeting.

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e. Chairman's Report

Chairman Danyliw had no report.

f. Planner's Report

John Guskowski presented the proposed contract between the Planning Commission and CME Associates for continued planning consulting services for FY 2013-14, noting that it also included \$2,500 for clerical services/preparation of Commission minutes.

Motion to authorize Tom Danyliw to sign CME Associates contract proposal by Linda Herman, seconded by Ralph Monaco. Motion carried unanimously.

John Guskowski also discussed recent correspondence with Attorney Stephen Cline, on behalf of Tom and Sally Riggio's Orchard Heights subdivision. The Commission granted conditional approval of the 3-lot subdivision in late 2008 for purposes of filing mylars, but no mylars were filed. John Guskowski stated that he believed this meant the subdivision had expired and needed re-approval. A recent letter from Attorney Cline indicated that he believed the Town Clerk would not accept a mylar with conditional approval, which John Guskowski stated he did not agree with, but would pursue additional discussion on this matter with Attorney Cline.

6. Correspondence and Invoices

Chairman Danyliw reviewed the correspondence, which included invoices from CME Associates, Stella Beaudoin, and Halloran & Sage. The Beaudoin and Halloran & Sage invoices were related to the appeal of the Ingham Hill Road subdivision approval. Ralph Monaco questioned whether the Town had received an estimate for the appeal defense from Halloran & Sage, and John Guskowski stated that they hadn't requested one, but he would request it.

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

7. Adjournment

Motion to adjourn by Linda Herman, Seconded by Ralph Monaco. Motion carried unanimously. Meeting adjourned at 9:31 p.m.

Respectfully submitted,

John Guskowski
Consulting Town Planner