

TOWN OF ESSEX
LAND USE APPLICATION
 PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	_____	VARIANCE/ APPEAL	<u> X </u>
SITE PLAN REVIEW	_____	APPROVAL OF LOCATION	_____
INLAND WETLANDS PERMIT	_____	REGULATION TEXT AMENDMENT	_____
INLAND WETLANDS PERMIT - AGENT APPROVAL	_____	ZONE CHANGE	_____
	_____	COASTAL SITE PLAN REVIEW	_____
SUBDIVISION OR RESUBDIVISION	<u> X </u>	MODIFICATION OF PRIOR APPROVAL	_____
LOT LINE REVISION	_____	SPECIAL FLOOD HAZARD AREA PERMIT	_____

PROJECT DESCRIPTION:

See Attached

PROJECT NAME: Macbeth Ventures wireless & Land Telecommunication site

STREET ADDRESS OF PROPERTY 10 main Street

ASSESSOR'S MAP 33 LOT 28 + 29-cell LOT SIZE 1.32 Acres DISTRICT CML/HGD

APPLICANT Macbeth Ventures, LLC
6 main Street Ste 312 Centerbrook, CT PHONE 860-662-4197

APPLICANT'S AGENT (if any) _____
 _____ PHONE _____

ENGINEER.SURVEYOR/ARCHITECT Richard Gates
 _____ PHONE _____

Note:

1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.

2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

MacBeth Ventures LLC
Zoning Application Statement for Proposed Variance \ Subdivision
at 6 Main Street, Centerbrook, CT 06409
Assessors Map 33 Lot No 28 Formerly Known as Lot 28-Cell
Zoning District CML
Proposed Lot Size .32 Acres

To Whom It May Concern,

We are writing to submit a zoning application for the proposed Subdivision at the current premises of 10 Main Street, Centerbrook, CT 06409. In accordance with Connecticut General Statutes Section 8-18, the Subdivision of the specified parcel is justified on the grounds of municipal benefit and economic prudence. This application aims to clarify the current tax assessor card that was merged in the primary parcel to clarify the zoning and uses of the current commercial wireless telecommunication tower located atop the existing water tower at the Witch Hazel Works. Note that the current use as a commercial wireless telecommunication facility was omitted from the R9SDD Node when drafted and approved by the Commission and has resulted in a Non-Conformig Use that we would like to correct.

Description of Proposed Variance \ Subdivision:

The proposed variance \ subdivision will delineate a distinct parcel solely for the commercial wireless telecommunication tower. This parcel will be strategically defined to ensure minimal impact on the existing structures and surrounding area. Notably, the Subdivision will create a technically small, non-accessible road frontage, officially addressed as 10 Main Street, Centerbrook, CT 06409. Subdivision Justification:

- **Critical Municipal Wireless Coverage:** The establishment of a specifically defined telecommunication facility on this subdivided parcel will assure wireless communication capabilities within the Town of Essex, addressing current gaps in municipal emergency services and general communication infrastructure. Provided that it is feasible, the Town of Essex will also be offered the opportunity to place future critical EMS equipment on the tower at a future date.
- **Protection and Preservation:** By subdividing the parcel specifically for the purpose of the facility, this initiative will ensure the preservation of the current Witch Hazel Works parcel. This will prevent any future developer from acquiring the parcel solely to liquidate the valuable wireless assets, which could potentially lead to the

disregarding or demolition of the existing structures and subsequent development not in line with community values.

2. Community and Economic Benefits:

- Enhanced Emergency Services: future improved wireless coverage will bolster the efficiency and responsiveness of emergency services, directly benefiting public safety.

- Sustainable Development: By maintaining the existing structures on the Witch Hazel Works parcel and dedicating the subdivided land to telecommunications infrastructure, the town can avoid haphazard development and maintain aesthetic and historical integrity.

3. Regulatory Compliance and Environmental Consideration:

- The Subdivision will comply with all local, state, and federal regulations. The design and operation of the telecommunication facility will adhere to the highest standards to minimize environmental and visual impact and allow MacBeth Ventures to assure that the wireless carrier leases reflect the need to share in the cost to maintain the tower.

Access and Parking:

To ensure proper and efficient servicing of the telecommunication tower, the parcel will include a deeded right of way. This right of way will facilitate exclusive access for maintenance and service purposes. Furthermore, the Variance \ subdivision plan includes the provision of three parking spots designated for tenant service, ensuring unobstructed and convenient access to the tower.

Conformity and Structural Considerations:

In the planning of this variance \ Subdivision, it has been determined that the parcel cannot conform to the normal standards of a conforming lot without compromising existing structures. Making the parcel conforming would necessitate the impractical division of an existing building and access road. Therefore, the proposed variance \ subdivision has been carefully designed to respect and preserve the integrity of these structures while meeting the requirements for the telecommunication tower's operation.

Conclusion:

We feel that granting this variance \ Subdivision of this parcel is a carefully considered proposal that balances the need for a dedicated space for the telecommunication tower while maintaining the integrity of the existing structures and land use. We believe this proposal aligns with the zoning principles and community standards of Centerbrook, CT, and we respectfully request your approval.

Thank you for your consideration of this zoning application.

Peter J. Decker

Vice President

MacBeth Ventures, LLC

Co-Executor The Estate of Anna Jennifer McCann

Connecticut General Statutes 8-18 – Definitions

Current as of: 2023 | [Check for updates](#) | [Other versions](#)

As used in this chapter: “Commission” means a planning **commission**; “municipality” includes a city, town or borough or a district establishing a planning commission under [§ 7-326](#); “subdivision” means the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of **subdivision** regulations by the commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes **resubdivision**; “resubdivision” means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map; “cluster development” means a building pattern concentrating units on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation and agricultural purposes except that nothing herein shall prevent any **municipality** from requiring more than one-third open space in any particular **cluster development**; “town” and “selectmen” include district and officers of such district, respectively.



TOWN OF ESSEX
Planning and
Zoning Commission
 29 West Avenue
 Essex, CT 06426
 860-767-4340 x 115 Fax: 860-767-8509
www.essexct.gov

Fees: \$135.00 + \$60.00 (DEP)
 Make check payable to the Town of Essex

Application for Special Exception

PART TWO

Owner(s) of Property : MACBeth Ventures LLC
 Address: 6 Main Street, Suite 312 Centerbrook, CT 06409
 Phone No.: 860-662-4197 Email: Peter.Decker@HTPTRS.com

The Commission is authorized to grant a Special Exception for the use and/or improvement herein proposed by the provisions of Section HGD/CM of the Essex Zoning Regulations.

Accompanying this application form is:

- A) A complete and comprehensive statement describing the proposed changes in use and/or improvements for which the amendment is requested;
- B) A complete legal description of the premises involved, identifying boundaries by metes and bounds or by courses and distances;
- C) A list of names and addresses, with Tax Map and Tax Lot Numbers of owners of all land abutting, and directly across the street from the land to which this application relates and;
- D) A Site Development Plan prepared or approved by a registered professional engineer or surveyor showing all information required to determine the compliance with the Zoning Regulations including lot area, distances of improvements from lot lines, area coverage, and building height.

I/We, the undersigned, certify that all the information on this application, including all accompanying documents, is correct as of the date below, and conforms with Town's zoning regulations. I/ We certify that I/ We am/are the owner(s) of the premises described above and are aware of and understand the above referenced zoning regulation(s).

<p>FOR OFFICIAL USE ONLY:</p> <p>Application No. _____</p> <p>Date received by ZEO: _____</p>
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Signed: [Signature]
 Property owner

Dated: 4/22/24