

TOWN OF ESSEX
 LAND USE APPLICATION
 PART ONE

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

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

PROJECT DESCRIPTION: Proposed text amendment regarding adding the Bokum Corner Development District (BCDD)

PROJECT NAME: Bokum Corner Development District (BCDD)

STREET ADDRESS OF PROPERTY: N/A

ASSESSOR'S MAP N/A LOT N/A LOT SIZE N/A DISTRICT N/A

APPLICANT The Essex Planning and Zoning Commission
 _____ PHONE _____

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

ENGINEER.SURVEYOR/ARCHITECT _____
 _____ 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.
- 3) I HERBY TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

Planning and Zoning Commission
Essex Town Hall, 29 West Avenue
Essex, Ct 06426

Petition for a Text Amendment of Zoning Regulations
OR
Petition for a Change to the Town's Zoning Map
PART TWO

Signature of Property Owner(s): The Essex Planning and Zoning Commission
Or Petitioner

Address: 29 West Avenue Essex, CT 06426

Application # 24-2 Date of Receipt: January 29, 2024

The undersigned request a text amendment to the Essex Zoning Regulations.

This petition **requests a change in zoning regulations** and there is attached:

- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.
- 2) A complete and comprehensive statement of the reasons for any proposed changes, including any special interest the Petitioner(s) may have in such change, is attached.

This petition **requests a change to the Town's Zoning Map** and there is attached:

- 1) A map clearly showing the area to be re-classified and specifying the present classification and proposed new classification with existing and proposed boundaries.
- 2) A list, keyed to the map, of the names and addresses of the record owners of and within the area to be affected, and within 500 feet outside the area to be affected by such reclassification, and
- 3) A complete written description, by metes and bounds or courses and distances, of the location of any new zoning district boundary or boundaries proposed.

TOWN OF ESSEX
LAND USE APPLICATION
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**PZC #24-2 Comprehensive statement of reasons for the proposed addition of Section 106
Bokum Corner Development District (BCDD)**

Purpose of the Development District:

As stated in the proposed regulation, The Town seeks to encourage an increase in appropriate, well-designed activity in the Bokum Corner area, allowing a wider variety of uses at a scale that takes advantage of the Route 153 corridor while strengthening pedestrian connections to residential areas and the Villages of Essex and Centerbrook. The BCDD is an overlay zone designed to apply to specific properties within the area identified in the Essex Plan of Conservation & Development as the “Bokum Corner Development Node”.

The Plan of Conservation and Development supports the creation of this zoning district as evidenced on page 9 and pages 17-30 of the plan which lists goals for the POCD; #1 being “Promote Mixed Use, Compact, Architecturally- Appropriate Development and Redevelopment in Villages of Centerbrook, Essex, and Ivoryton and in key hubs of Bokum Corner and the Route 9 Gateway.

The Bokum Corner area is also noted on the Town of Essex POCD Development Priority Areas Map as one of the key nodes.

PROPOSED ZONING AMENDMENT – NEW SECTION

Essex Zoning Regulations Section 106
Bokum Corner Development District (BCDD)

January 2024 DRAFT

106.A Purpose: The Town seeks to encourage an increase in appropriate, well-designed activity in the Bokum Corner area, allowing a wider variety of uses at a scale that takes advantage of the Route 153 corridor while strengthening pedestrian connections to residential areas and the Villages of Essex and Centerbrook. The BCDD is an overlay zone designed to apply to specific properties within the area identified in the Essex Plan of Conservation & Development as the “Bokum Corner Development Node”

106.B. General Intent: The intent of the BCDD (or “Overlay Zone”) is:

- a. To encourage new development and redevelopment of underused properties in the Bokum Corner area;
- b. To encourage a higher-density, flexible, and vibrant mix of uses;
- c. To promote a uniform and appropriate design for the entire node that respects the historic uses and proximate residential neighborhoods;
- d. To respect residential character and traffic flow in surrounding neighborhoods;
- e. To promote development in accordance with the Essex Plan of Conservation & Development

106.C. Boundaries

720.3.1: Properties eligible to be subject to the BCDD shall be a minimum of four (4) acres in size and be located within the area delineated as Bokum Node Overlay District on the official Essex Zoning Map.

720.3.2: A collection of multiple contiguous properties, with the written agreement, signed by all property owners involved, may be combined to create an eligible overlay property;

106.D. Procedures to Apply for Development Within Overlay Zone: The procedure to permit a development proposal within the BCDD requires two distinct steps, which may be pursued in series or concurrently. The first step is the “landing” of the Overlay, which takes the form of a change to the official Zoning Map and district designation of the targeted parcel or parcels in accordance with Section 123 of the Essex Zoning Regulations. The second step is the Special Exception application for the specific uses and development that would be enabled by the landing of the Overlay. Specific steps are as follows:

106D.1: Application of Overlay Zone. The applicant seeking to develop a property using the provisions of the BCDD must first (or simultaneously with a Special Exception application,

described below) submit an application to propose the property be subject the Overlay Zone. This application shall consist of:

106D.1.1: A narrative description of the purpose of the application and the proposed development activities, including a discussion of how the goals of the Plan of Conservation & Development would be advanced by applying the Overlay regulations to the property;

106D.1.2: A schematic master plan, developed at a scale not less than one inch equals fifty feet (1"=50'), of the proposed site development, including approximate locations of proposed buildings, structures, parking areas, roadways, pedestrian facilities (sidewalks and pathways), public amenities (seating, recreation areas, generalized landscaping) and public utility areas (eg. wastewater disposal and stormwater management). The master plan is meant to be a demonstration of the feasibility of the proposed site development concept but does not require the extensive engineering design of a full Site Plan

106D.2: The submission and review of a Special Exception application shall follow the procedures detailed in Section 120 of these Regulations.

106D.3: Public Hearing. The Commission shall refer the proposed application to the Planning and Zoning Commission per CGS Section 8-3a conduct a public hearing on any application for an Overlay Zone and the corresponding Special Exception in accordance with the provisions of Section 120 of these Regulations.

106D.3.1: In addition to the foregoing, the applicant(s) or their agent shall post a sign in accordance with Section 120 of these Regulations and provide evidence of this posting in the form of photographs to the Land Use Office.

106D.3.2: The applicant(s) shall provide notice by mail to all property owners within five hundred feet (500') of the parcel for which a Zone Change is requested.

- (i) Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission or its agent.
- (ii) The applicant(s) shall provide a copy of the list of property owners within five hundred feet (500') including names of all the property owners, street address per the Assessor's map and parcel number(s) for each property. Such list shall be provided at the time of application submission.
- (iii) Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Land Use Office not less than five (5) calendar days prior to the hearing date.
- (iv) Failure to provide notice as required herein may result in denial of the application.

106D.3.3: If an application to apply the provisions of the Overlay Zone is filed concurrently with a Special Exception development application, the Commission shall hold separate public hearings for (1) the application to amend the Zoning Map and (2) the development proposal Special Exception

(i) For the convenience of the Commission, and, in the Commission's sole discretion, both public hearings may be opened and held simultaneously provided, each application shall be voted upon separately as part of that application's specific public hearing.

(ii) In accordance with Connecticut General Statutes, the Commission must hold a separate public hearing on any Special Exception application.

106D.4: Approval Considerations

106D.4.1: As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application to amend the Zoning Map to apply the terms of the Overlay Zone.

106D.4.2: As an exercise of its administrative authority, the Commission may approve, approve with modifications, or deny any Special Exception application filed in connection with such Overlay Zone consistent with the requirements of Section 120 of these Regulations as amended.

106D.4.3: The Commission may also require that certain amenities, such as improved or natural open space areas or community facilities, be allocated to particular phases of the development so as to ensure that such amenities proceed apace with the other components of the development.

106D.4.4: In considering any petition to amend the Zoning Map to apply the terms of an Overlay Zone, the Commission shall make a written finding, whether the proposed change is consistent with the standards and purposes of the BCDD as set forth in this section and is consistent with the Plan of Conservation and Development.

106E Permitted Uses: The following uses are permitted via the initial Special Exception process:

- a. Restaurant (without drive-through)
- b. Retail
- c. Office, including Banking and Financial Services
- d. Medical Office or Medical Center
- e. Personal Services
- f. Arts & Craft Studio with or without Retail Sales
- g. Theater
- h. Event Facility
- i. Inn or Bed & Breakfast
- j. Indoor Recreation or Gym/Exercise Facility

- k. Outdoor Recreation Facility, Open Space or Park as a component of an overall development plan (i.e. not a sole use of a project)
- l. Multifamily Housing
- m. Educational facilities
- n. Day care facilities
- o. Mixed use with a combination of the above uses

106E.1: Changes to use within the site and buildings following approval of the site plan as part of the original Special Exception application shall be subject to the terms and procedures of Section 118 of these Regulations;

106E.2: Addition of new buildings or structural expansion of buildings shown on the previously approved site plan shall require the submission of a new Special Exception application.

106F Prohibited Uses: Uses not listed in Section 106D.5 are prohibited, unless a 2/4 majority of the Commission deems the proposed use as “substantially similar” to one of the uses listed in Section 106D.5. Additional specifically prohibited uses include the following:

106F.1: Gasoline service stations; automotive, boat, recreational vehicle, truck, and similar sales, service, repair garages, and storage facilities. Public display of any vehicle for sale is strictly prohibited. “Boat” shall not include non-motorized boats up to 16 feet in length (e.g. canoes, kayaks).

106F.2: Drive-up windows;

106F.3: Adult-oriented businesses (including but not limited to adult bookstores, adult theatres, massage parlors, and similar establishments);

106F.4: Tattoo establishments;

106F.5: Firearms sales, except as a minor accessory use (not to exceed 5% of the gross floor area)

106G Design Considerations: Site development shall be designed with consideration of the following elements:

106G.1: Sufficient fenestration, building articulation, and attention to quality and architecturally-appropriate materials;

106G.2: Architectural structures shall reinforce an orientation to street and pedestrian network, articulated entries, and a human scale;

106G.3: Sidewalk and pedestrian amenities shall be included with all new developments;

106G.4: New curb-cuts should be minimized and inclusion of intra- and inter-property off-street connections are encouraged;

106G.5: Larger-scale parking areas should be located in the side and rear of principal buildings, and should be buffered by perimeter and intermittent landscaping;

106G.6: Low-Impact Development techniques shall be used to manage stormwater and maintain zero net increase to post-development stormwater discharge;

106G.7: For mixed-use projects including residential units within non-residential buildings, residential units shall be located on upper floors or to the rear of principal buildings. A minimum of 10% of residential units shall be ADA accessible;

106G.8: Landscaping, lighting, and signage details shall be included in the site plan, and shall reflect the use of native plantings, local materials and design vernacular, and dark-sky lighting principles and shall conform to other applicable Design Standards in these Regulations.

106G.9: Demolition and building design should endeavor to achieve LEED green building standards which are described as the following: “the planning, design, construction (and demolition), and operations of buildings with several central, foremost considerations: energy use, water use, indoor environmental quality, material selection, site and location within the surrounding community.

106H Height, Area, and Yard Requirements:

106H.1: Maximum height of new structures shall be three full stories or thirty-five feet (35’), whichever is lower. Maximum heights for buildings on parcels fronting the intersection of Plains Road, Westbrook Road, and Bokum Road may be up to forty-five feet (45’) in height;

106H.2: Maximum building coverage shall be 30% of the site;

106H.3: Maximum impervious surface coverage shall be 60%;

106H.4: Front, side, and rear yard setbacks shall be appropriate to the context and scale of the proposed development and surrounding properties in a manner that does not create an unsafe condition for occupants, visitors, vehicles, and emergency access;

106I Parking Requirements: It is the intent of these Regulations to create off-street parking that is multi-functional and innovative.

106I.1: The provisions of Section 110 do not apply to developments located within this zone, however the parking ratios contained within that Section may serve as a useful baseline for calculations. The applicant must demonstrate that parking is adequate to the proposed use(s);

106I.2: The applicant must demonstrate that safe loading and access by trucks and other delivery vehicles is accommodated in the Site Development Plan;

106J Housing. If the proposed development includes multiple housing units, the following standards shall apply:

106J.1 Density. There is no maximum residential density (units/acre) based on Zoning Regulations; all maximum density limits shall be based on public water capacity and the limitations of on-site wastewater disposal according to the Department of Public Health and/or Department of Energy and Environmental Protection, as may be applicable;

106J.2 Affordability Percentage. At least twenty percent (20%) of the dwelling units will be rented or conveyed subject to an incentive housing restriction. Such restriction shall require that, for a least thirty (30) years after initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where the income is less than or equal to eighty percent (80%) or less of the area median income. In determining compliance with this Section, the Commission will use regulations or guidelines published by the Connecticut Office of Policy and Management, the Connecticut Department of Housing, or any other successor agency designated in accordance with Conn. Gen. Stats. §8-13m. to 8-13x.

106J.3 Affordability Plan. Each applicant for multiple housing units within the BCDD will provide an affordability plan that will detail the administration, monitoring, and enforcement of the dwelling units to be sold or rented at below-market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and Conn. Gen. Stats. §8-13m. to 8-13x.

106J.4 Designation of Administering Agency. The applicant will indicate the name, address, and other contact information for the agency that will administer the sale or rental of the dwelling units that are subject to the below-market sale or rental in accordance with this Section.

106J.5 Dwelling units may be offered for sale or rental in individual, public, cooperative, or condominium ownership. Documentation as to management, organization, and incorporation of applicable ownership associations will be submitted to the PZC at the time of filing the application for a BCDD development.

106J.6 Dwelling units will have no more than three (3) bedrooms. Live-work units or open studio units without a separated bedroom are allowable if approvable by building and health code.

106J.7 Affordable units shall be of a construction quality and design that is comparable to market-rate units within the development, and shall be dispersed throughout the development.

106K Materials Required for Formal Submission of All Applications to the Commission: The

applicant shall follow the procedures set forth in Section 120 of these Regulations, in addition to the following:

106K.1: Staff report of Pre-Application Conference discussions and applicability of concept to goals of Plan of Conservation & Development;

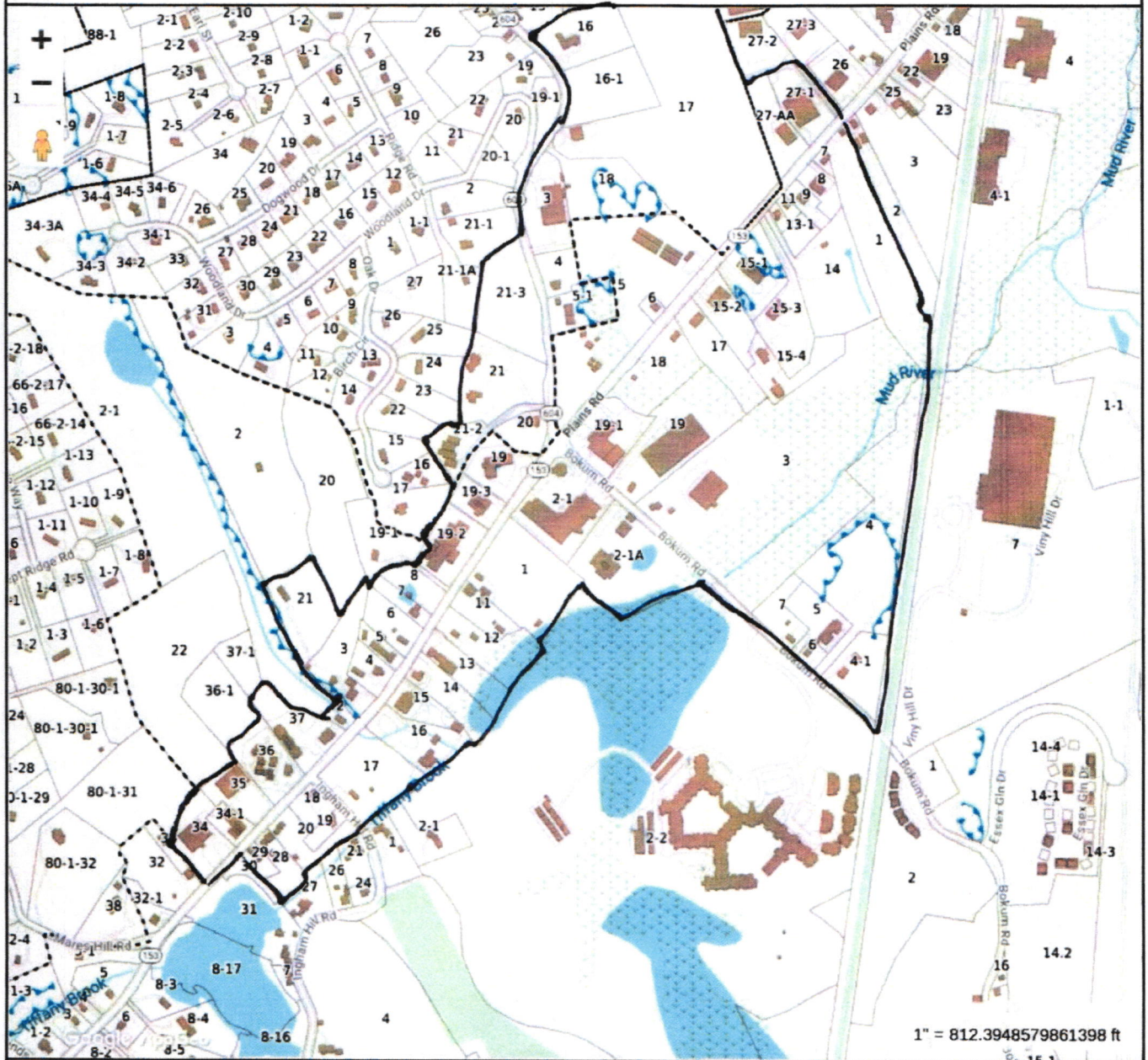
106K.2: A traffic study, as described in Section 609 of these Regulations, prepared by a licensed professional engineer;

106K.3: A parking analysis, prepared by a licensed professional engineer, addressing the following:

- 106K.3.a Demonstration that parking provided is adequate for combined uses;
- 106K.3.b Calculation methodology;
- 106K.3.c Indication if shared parking is being used; and
- 106K.3.d Provisions for reserve parking;

106L Performance Standards: Development of the property shall follow the Performance Standards detailed in Section 120G of these Regulations.

(BCDD) Jan 2024.



Property information
 Property ID 343
 Location 15 OLD DEEP RIVER RD
 Owner ESSEX STEAM TRAIN EVENTS #2 LLC



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Town of Essex, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/13/2021
 Data updated daily

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.