



ESSEX PLANNING & ZONING COMMISSION

REGULAR MEETING

Tuesday, June 1, 2021
7:00 p.m.
Meeting Held Via Zoom Video Conference

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Russ Smith called the meeting to order at 7:00 p.m. In attendance, via videoconference, for the meeting were Members Jane Siris, Erin Borruso, Robert Day, Mark Reeves, Ralph Monaco, and Gary Riggio. Also in attendance were Alternates Jeff Lovelace, Tom Carroll, and David Rosengren, Land Use Official Carey Duques, Consulting Planner John Guskowski, Commission Counsel Larry Shipman, Town Engineer Bob Doane, and Attorney Terry Lomme.

2. Approval of Minutes

May 4, 2021 Regular Meeting

Motion to approve minutes of May 4, 2021 by Jane Siris, seconded by Ralph Monaco. Motion carried unanimously as amended.

3. Public Hearing

PZC Application 21-3: Text Amendment to the Zoning Regulations, Section 40I.2, Accessory Buildings- Essex Planning & Zoning Commission proposing text amendment to allow detached accessory structures 15 feet in height or less to be located not less than 5 feet from side or rear property line and no less than 10 feet from side or rear lines for parcels deemed rear lots.

Land Use Official Carey Duques presented the application for the Commission and indicated that the public hearing was advertised twice in the Valley Courier. She explained that a prior amendment had created confusion about setbacks for side and rear setbacks and this proposal clarified that matter and made clear that the accessory structures would be

small and would not be intended for human occupancy. Connecticut River Gateway Commission had commented on the application and suggested that the coverage percentage be eliminated for clarity and suggested that a cap on the structure be placed at 200 square feet.

Jane Siris spoke in favor of the application and Carey Duques explained how the square footage cap made it simpler administratively and fairer across different sized lots. Robert Day clarified that maximum coverage percentages would still apply. Jeff Lovelace thought the proposal allowed structures to be too close to other properties. Carey Duques pointed out that there have been nearly a dozen variances over the past few years for this matter. She stated that there was no rush and the application could be adjusted to respond to the Connecticut River Gateway Commission's comments. Chairman Smith asked if there was any public testimony. There was no testimony.

Motion to continue the public hearing until July 2021 meeting by Robert Day, seconded by Mark Reeves. Motion carried unanimously.

4. Receipt of New Applications

- a. **PZC Application 21-4, Coastal Site Plan Review - GEI Consultants on behalf of Essex Boat Works** proposing to remediate contaminated soil at 9 Ferry Street located within the Coastal Boundary.

Chairman Smith clarified with Carey Duques that this application was generally received and considered at a following meeting. They stated that a public hearing was not necessary. Emily Perko and Matthew O'Neil from GEI presented the application. Matthew O'Neil stated that this project was being pursued in conformance with the Connecticut Transfer Act for site remediation, and contractors for the soil contamination removal were being sought. He discussed the project at the corner of Ferry Street and Pratt Street, which would take place largely inside the existing boat house. The area to be remediated was used for boat storage, and the existing soils had some petroleum hydrocarbons and an old leach field. Following a question from Chairman Smith, Emily Perko stated that the total soil volumes may vary based on existing leach field depth. Carey Duques stated that if the project was over 1,000 cubic yards, it required a Special Permit. Matthew O'Neil stated that a Licensed Environmental Professional would be overseeing the work and reporting to the CT-DEEP and town. Jane Siris stated that the voluminous report could have been given to the Commission with more time to read and asked about the Transfer Act. Matthew O'Neil discussed the procedures of the Transfer Act and timeframes. She then asked about the water table, which Matthew O'Neil stated was just below their excavation limits, and about deposition of the contaminated soils, to which Matthew O'Neil stated that it would be disposed at a licensed facility.

Robert Day asked about prevention of future contamination, and Matthew O'Neil stated that boat preparation and storage is being done much more carefully and safely now. Ralph Monaco asked why it couldn't be finished with a concrete surface, and Matthew O'Neil stated that within proximity of the water, a gravel floor was better for drainage

after flooding events. He stated that the storage of boats would be the only proposed activity, which held substantially lower risk of contamination events.

Town Engineer Bob Doane asked about the loading of wet materials into truck and how the contractors would avoid dripping contaminated water out of vehicles on local roads. Matthew O'Neil stated that wet (30% or less water by volume) material would be deposited and drained, and then loaded onto the truck. In a sandy material, that drainage would occur fairly quickly. In addition, trucks would be lined to prevent leakage, and an additive drying agent could be added to the soil to limit moisture going into the trucks. Bob Doane asked if the drying amendment would be available on site, to which Mr. O'Neil stated that it would be available.

David Rosengren asked how the limits of the contaminated area were determined, to which Mr. O'Neil stated that test borings and soil excavations were conducted to determine these limits and that the leaching field was installed above the groundwater. There was some limited groundwater contamination, but it was below remediation requirements, and removal of the source contamination would prevent further spread. Jane Siris sought clarification on old and new leaching areas. Gary Riggio clarified that the current leaching field was not under a concrete floor and that no active work other than painting would take place in the affected area. Mr. O'Neil stated that drop cloths were used for any painting or refinishing.

Carey Duques stated that the Town was still awaiting comments from the Health Department about activity and drainage. Mr. O'Neil stated that erosion and sediment control would be installed during activity. Jane Siris asked about potential off-site contamination, and Mr. O'Neil discussed the investigation into potential sources of contamination both on- and off-site during the Environmental Site Assessment process. Chairman Smith asked about a time-table, and Mr. O'Neil stated that they hoped to finish the work while boats were in the water this summer and fall. Carey Duques stated that the health department would be reviewing plans and asked GEI to submit proposed volumes of material to be removed.

Motion to continue the application review for Application 21-4 until July 2021 meeting by Jane Siris, seconded by Gary Riggio. Motion carried unanimously.

5. Old Business

- a. **Modification to Subdivision Plan – Planning Commission Application No. 2-07 – Landmark Interests, LLC, 3-Lot Subdivision, property now owned by Essex Glen, LLC.** Modification pertains to the “as-built” drainage in the right-of-way for Essex Glen Road. Removal of condition requiring a sidewalk in lieu of turnaround at the cul-de-sac at Essex Glen Drive. The modification is to be provided to Robert Doane, designated Agent for the Planning Commission (now Planning & Zoning Commission) for his recommendation to the Commission. *(Continued on March 2, April 6, and May 4, 2021)*

Chairman Smith asked for an update. Carey Duques noted that there were two bonds, one for approximately \$64,000 and another for approximately \$188,000, which should

provide sufficient funds for outstanding works. Robert Day asked about expiration of the bonds, and the date was not clear on Carey Duques' files. Attorney Shipman discussed the two separate approvals in 2007 from Planning and Zoning Commissions and was distressed that so much housing construction was completed without the public improvements being completed and the approvals are going to lapse before the end of the year. He stated that a re-approval of the subdivision may have to be sought, in addition to the potential complexity of calling the bonds if needed. He stated that some proposed plan revisions should be submitted quickly so that the Commission can make an educated decision about the direction to proceed. Jane Siris asked about costs of sidewalks. Bob Doane stated that a 4' wide sidewalk with a monolithic curb would cost approximately \$122,000 for the project. He stated that the other remaining work was estimated in 2018 to cost approximately \$240,000, which did not include the sidewalks. The tasks from 2018 are still largely outstanding from this assessment. Attorney Shipman asked about the potential bus stop at the top of the cul-de-sac. Attorney Terry Lomme stated that there are no children in the project currently, and the design was intended not for children. If children were to be resident, the property owner would work with the town for a bus stop. He further stated that the developer wished to reach a swift conclusion, which would include the completion of the remaining 5-7 houses before finishing the road.

Larry Shipman stated that the public improvements needed to be completed before the expiration of the approvals, which has reached its statutory limit of 14 years. There is currently not enough money in the bonds to complete all public improvements plus a sidewalk. Attorney Lomme stated that there have been some site improvements, but the prior year's events slowed the process down. He proposed that, with the current 90-day permit extension by Executive Order, there should be enough time to complete improvements. Bob Doane stated that several improvements were being made to Lot #1, but not as much in the public roadway area, which is also critical. Paving needed to be done by October, prior to the closure of asphalt plants. Attorney Lomme stated that they could consider coming in for the August meeting for a status update and determine whether it was necessary to re-apply or just wrap things up. Attorney Shipman stated the Town needed to determine the expiration date of current bonds to be sure that their interests were served.

Erin Borruso stated that with several houses to be built and the chances would seem good that schoolchildren would be present. Bob Doane clarified that Essex Glen was just one of three lots of the original subdivision that would be served by this roadway and there could, in theory, be many more houses. Robert Day asked if Attorney Shipman could look into whether Zoning could inadvertently remove a condition of approval from the Planning Commission. He also stated that even without a school bus stop which doesn't exist, sidewalks would still be highly beneficial. Attorney Lomme stated it would be a sidewalk to nowhere on Bokum Road and that the Selectmen weren't looking for this connection. Mark Reeves discussed future sidewalk connections on Bokum Road. Attorney Lomme proposed that a connection to a nearby park area would be a better solution, and Erin Borruso clarified that this change would also require a submission of a modification application. Chairman Smith asked Attorney Shipman to assess the Zoning Commission's decision on the sidewalk waiver. He also asked Attorney Lomme to return to the Commission in July with a status report, and Mark

Reeves expressed hesitancy about timeframes. Chairman Smith asked Attorney Lomme to work with staff and come up with a specific schedule for the July meeting. Bob Doane states that a revised subdivision plan should be submitted. Attorney Lomme stated that he would work with his designers to get the modifications done as quickly as possible.

Motion to continue discussion on this matter until the July 2021 meeting by Mark Reeves with a note that the conclusion has some urgency and the Town should ensure their interests are protected, seconded by Robert Day. Attorney Shipman clarified that the expiration dates of the bonds were critical pieces of information.
Motion carried unanimously.

6. Appointments/Reports from Committees and Officers

a. Report from Lower CT River Valley Council of Governments

Jane Siris stated that she did not attend the last meeting, but she received notes from Alternate Sandra Childress. The meeting was largely occupied with reviewing comments on the Regional Plan of Conservation & Development, which was ongoing.

b. Report from Economic Development Commission Representative

Robert Day reported that there was a productive EDC meeting. Ferry Street was being provided with some large planters to delineate a pedestrian pathway based on UConn designs. John Guszowski reported that he and Carey Duques were also working with EDC on business outreach and surveys to develop a good database of business contacts.

c. Report of Committee on Plan of Conservation & Development

John Guszowski noted that the Committee had not been established but was a standing item for future meetings.

7. Staff Reports

- Land Use Official Carey Duques presented on several topics:
 - o She asked for Engineer Tom Metcalf to present about a potential text amendment regarding livestock. Tom Metcalf described a property in Ivoryton with substantial land and asked about dividing the land in a way to include horses, for personal, non-commercial use. The property is in a Village Residential Zone, which does not currently allow livestock. The proposal would allow horses on properties with a minimum of three acres. The Commission discussed the existing regulations, focusing on lot size and setbacks from farm structures. Tom Metcalf will work with staff and come up with a revised proposal.
 - o Carey Duques then presented a letter from the Essex Board of Trade raising the issue of parking in Essex Village, which distinguishes between property owners who own parking and those who don't. The Board of Trade wishes to encourage the Commission to abandon parking regulations entirely in Essex Village. She

suggested that a subcommittee could consider the issue. John Guskowski stated that EDC had proposed a similar amendment several years prior. Chairman Smith determined that Robert Day, Tom Carroll, and David Rosengren would serve on a working group along with John Guskowski and Carey Duques.

- Submission of text amendment application regarding Accessory Dwelling Units: Carey stated that she would propose a text amendment to include River Road Residential in the eligible districts for accessory apartments.

Motion to receive the application for a text amendment to the regulations concerning accessory apartments and schedule a hearing to open in July 2021 by Jane Siris, seconded by Mark Reeves. Motion carried unanimously.

- Discussion regarding text amendment regarding parking requirements for transient boaters: Carey turned over the discussion to Doug Domenie from Essex Island Marina, who stated he had a Harbor Management application recently that was referred to DEEP, who questioned the availability of parking for transient boaters. He wanted feedback from the Commission on whether the revision of parking would be satisfactory with the Regulations. He referenced a 53-year old variance from the Zoning Board of Appeals, and reviewed a proposed layout of transient boat slips at the marina. Gary Riggio and Jane Siris stated that they did not have an issue with the parking for transient slips, which don't generally have associated cars. John Guskowski and Attorney Shipman stated that the variance, if filed, would run with the land.

Motion to support the Essex Island Marina application and find that the recorded variance from 1968 provides permission to allow the addition of transient boat slips without adding parking spaces by Chairman Smith, seconded by Ralph Monaco. Motion carried unanimously.

- Town Planner

- Review Route 9 Gateway Development District Overlay Zone: John Guskowski reviewed the draft regulation with the Commission and asked if there were any comments or questions. He and Carey Duques had met with some property owners of land in the Gateway area to answer questions. Chairman Smith suggested that the discussion be postponed until August and requested that staff report back on stakeholder discussions.
- Update on "Zoning Enabling Act": John Guskowski reported that HB 6107 passed both the House and Senate on largely party-line votes and was now headed to the Governor's desk. This bill would do a number of things relative to housing and zoning in Connecticut municipalities, including re-organization of CGS Section 8-2 to make it read clearer, strengthen the language surrounding fair housing, replacement of "character" with "physical characteristics," authorizing of accessory apartments in all single-family residential zones (unless towns opt out), placing maximum parking ratios for multifamily (unless a town opts out),

requirement of land use commissioners to receive 4 hours training every two years, including one hour of affordable housing training, and the creation of a Commission on Development and Connecticut's Future, which will be a limited-duration big-picture planning effort.

John Guszkowski also reported that the RFP for consultants for the National Register of Historic Places had closed and he was waiting to see the bids. He also reported on the status of the River Road sidewalk/bridge grant, which was prioritized for funding by Congressman Courtney in the Transportation & Infrastructure Committee. Finally, he reported on a grant application that he worked on with Carey Duques and the Harbor Management Commission on an application to help with restoring Thatchbed Island using existing stones and logs for a living shoreline and dredge spoils for restoration material. That grant is pending.

8. **Correspondence and Invoices**

There was no additional correspondence or invoices.

9. **Adjournment**

Motion to adjourn by Jane Siris seconded by Robert Day. Motion carried unanimously. Meeting was adjourned at 9:35p.m.

Respectfully submitted,



John Guszkowski
Consulting Town Planner

Received For Record

Yvonne M. Rozial

06/04, 2021
Assist. Town Clerk, Essex, CT

@ 11:58
A.M.