



# TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426  
Essex Town Hall

## REGULAR MEETING

Wednesday, November 8, 2023 7:00 p.m.  
Essex Town Hall in Conference Room A and Via Zoom

## DRAFT MINUTES

### 1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:02 p.m. Seated for the meeting were Members Jane Siris, Gary Riggio, Mark Reeves, Chris Riley, and Peter Fleischer. Seated for Robert Day was Jeff Lovelace. Also in attendance was Alternate David Rosengren, Land Use Official Carey Duques, Commission Counsels Larry Shipman, David Royston, and Town Planner John Guszowski (arrived at 7:40 p.m.).

### 2. Approval of the Minutes

- October 3, 2023 Regular Meeting

#### Motion to approve minutes of October 3, 2023 by Jane Siris, seconded by Gary Riggio.

David Rosengren noted the incompleteness of the minutes relative to a statement by Mark Reeves about new housing resulting in more children and more cost to the town. Carey Duques stated that the minutes are more of a summary. Peter Fleischer agreed that the point was made. Mark Reeves disputed the purpose of the edit. The meeting is recorded to a transcript can be made available. Motion carried 6-1, with Peter Fleischer in opposition.

### 3. Public Hearings

- PZC Application 23-09 Special Exception under Section 105 E of the Essex Zoning Regulations for functional training space for small group fitness at **6 Main Street Unit 316 Centerbrook**. *Applicant/Owner: Macbeth Ventures, LLC*

Marisa Debkowski presented for the applicant. She is hoping to take over a space at the Witch Hazel complex that was formerly an office and make it an exercise/fitness studio. Carey Duques discussed the Route 9 Gateway Special Development District and the change of use process, which is currently encumbered by a scrivener's error and the need for a special permit process. There are no concerns with this use relative to public safety elements such as parking, traffic, septic, etc. Chairman Smith, noting no Commission questions, opened the hearing to the public.

Cameron Evangelisti spoke in favor of the project and stated that there was plenty of parking for the use.

#### Motion to close the public hearing by Mark Reeves, seconded by Peter Fleischer. Motion carried unanimously.

- PZC Application 23-10 Special Exception under Section 101.J of the Essex Zoning Regulations for the construction of a detached 2 bedroom 957 sq ft guest house

resulting in a total floor area of all buildings exceeding 4,000 sq ft located within the Gateway Conservation District at **51 River Road Essex**. *Applicant/Owner: David and Katherine Hajar*

Engineer Fern Trembly and Architect Skip Broom represented the applicant. Mr. Trembly described the property as being within the Gateway Zone which requires residential projects over 4,000 square feet must receive a special permit. The property is set well above the River and should not be seen from the River. The single-story guest house will not have a basement. Neither the Gateway Commission and the Harbor Management Commission had comments. Photos were presented to demonstrate the lack of views from the River. David Rosengren asked about the proposed building height, and the house will be well below 35'. The Commission discussed potential views from the house and from the River, and the lack of clearing or grading proposed.

Daniel Slatkin, a neighbor to the property, raised concerns about rental of the guest house. Jane Siris talked about the allowability of the structure, which is at issue, not the use. Skip Broom stated that the applicant was interested in having additional space for family. The Commission asked questions about land clearing. Carey Duques reiterated that the Gateway Commission had no comments on the application. There will be minimal, residential-scale lighting. Carey Duques stated that down-cast lighting could be a condition of approval, and confirmed with the applicant would be painted in a way that matched the existing buildings or darker. Daniel Slatkin asked about utilities being overhead or buried. Peter Fleischer asked about notification to residents across the cove. Larry Shipman stated that proper notification has been made.

**Motion to close the public hearing by Mark Reeves, seconded by Peter Fleischer. Motion carried unanimously.**

- **PZC Application 23-11 Special Exception** under Section 71A.2(G) of the Essex Zoning Regulations to allow for a yoga studio to be located in **9A Novelty Lane, Essex** *Applicant: Lorra Webb*.

This application has been withdrawn.

- **PZC Application 23-12 Proposed Text Amendment** under Section 123 of the Essex Zoning Regulations to change the text of the Zoning Regulations in Section 60A.2(H) to permit family day care homes, as a general principal use. Proposed amendment is to comply with Public Act 23-142. *Applicant: Essex Planning and Zoning Commission*.

Carey Duques discussed the State Statutory changes that requires municipalities to regulate family day care homes as an allowable principal use. The current Regulations require a Special Exception process, which is in conflict with the new law. She prepared an amendment that moves the proposed use from a Special Exception to an administrative process, as well as a reference to any future changes to the statutory definition or guidance.

There was discussion about requiring that the property be owner occupied. Clarification was requested about group homes and need to define terms.

**Motion to close public hearing Jeff Lovelace and seconded by Jane Siris. Motion carried unanimously.**

#### **4. Unfinished Business/Action Items**

- **PZC Application 23-09 Special Exception** under Section 105 E of the Essex Zoning Regulations for functional training space for small group fitness at **6 Main Street Unit 316 Centerbrook**. *Applicant/Owner: Macbeth Ventures, LLC*

**Motion to approve PZC Application 23-09 by Peter Fleischer, seconded by Gary Riggio. Motion carried unanimously.**

- **PZC Application 23-10 Special Exception** under Section 101.J of the Essex Zoning Regulations for the construction of a detached 2 bedroom 957 sq ft guest house resulting in a total floor area of all buildings exceeding 4,000 sq ft located within the Gateway Conservation District at **51 River Road Essex**. *Applicant/Owner: David and Katherine Hajjar*

**Motion to approve PZC Application 23-10 with the requirement of the submission of a lighting plan and requiring the ground cover to be limited due to concern for stormwater management by Mark Reeves, seconded by Gary Riggio. Motion carried unanimously.**

- **PZC Application 23-12 Proposed Text Amendment** under Section 123 of the Essex Zoning Regulations to change the text of the Zoning Regulations in Section 60A.2(H) to permit family day care homes, as a general principal use. Proposed amendment is to comply with Public Act 23-142. *Applicant: Essex Planning and Zoning Commission.*

**Motion to table PZC Application 23-12 until December by Mark Reeves, seconded by Peter Fleischer. Motion carried unanimously.**

**Motion to move discussion of Essex Glen previous to Agenda Item #5 by Gary Riggio, seconded by Jane Siris. Motion carried unanimously.**

Carey Duques presented the possibility of recommending the acceptance of Essex Glen Drive as a Town Road. Town staff, including Public Works Director and Town Engineer, have determined that the road is acceptable and in a reasonable state. The Commission would be making a recommendation that would also represent the CGS Sec. 8-24 referral to the Town Meeting. Chris Riley stated that there should be a clear separation of opinion on the condition of the road and the other remaining open bonded improvements. Attorney Royston stated that this road approval would be a separate matter. Carey Duques stated that there would also be easements included in favor of the Town to handle stormwater associated with road drainage.

**Motion to recommend to the Board of Selectmen to accept Essex Glen Drive as a Town Road by Jane Siris, seconded by Gary Riggio. Motion carried unanimously.**

Carey Duques stated that the landscape island was improved, as were some driveways. Downspout drains were installed, and the last common element remaining is the retaining wall. Progress is continuing. Attorney Royston provided an update on the retaining wall and other elements, and discussion of what could be completed before winter as it relates to the remaining bond amount.

**Motion to provide the developer two weeks to reinforce the retaining wall and protect it from siltation and erosion, as recommended by the Town Engineer by**

**Mark Reeves, seconded by Jane Siris. Motion carried 6-1, with Chris Riley in opposition.**

Representatives of the Essex Glen homeowners association and Attorney Royston discussed the details of the retaining wall work that remained.

**5. Receipt of New Applications**

There were no new applications.

**6. New Business**

- Discussion Re: 10 Foster Lane and Conservation Easement

Carey Duques introduced the topic. Cameron Evangelisti, the property owner of two lots with purported conservation land presented the circumstance about a lack of specificity of easement on their deeds, despite there being an indication of disposition of conservation land on some Town maps. It is not part of the Land Trust's holdings. "No Trespassing" signs have been posted. He discussed their interest in more properly developing the property while retaining some open space. He suggested moving the conservation area in a way that provides more contiguous buildable area and retaining some conservation land in a more suitable area, to protect the wetlands. He has an approved proposed new building lot. The Commission discussed the history of Planning Commission action and requirements on this property, dating back to 1999. It appears that from the record, a piece of open space was granted in lieu of the conservation easement area, but the conservation easement designation may never have been properly removed from record maps.

Chairman Smith suggested reviewing the mylars that were filed. Mark Reeves, as a member of the Conservation Commission, discussed reviewing the Town's comprehensive directory of conservation easements to determine whether there was anything about this, and there was no record of it. Carey Duques stated that the Town Clerk had no record of this easement language in favor of the Town. Chairman Smith stated that the mylars would be investigated to determine what the Town's best course of action would be.

- Discussion about building coverage and ground mounted solar panels

Carey Duques discussed the challenge of defining the ground-mounted solar structures, which she believes should count as total lot coverage, but if they are under 8' in height are not counted as buildings, which is a different coverage percentage calculation. The Commission generally agreed with this approach.

- Discussion Re: Error in Section 105 Rt 9 Gateway Special Development District

John Guszowski and Carey Duques presented a scrivener's error in the adopted Route 9 Gateway SDD regulations that meant to distinguish between in-building changes of use and new construction changes of use. The lesser change was intended to be an administrative or a simple site plan review, but the referenced section was the Special Permit procedure. This was a simple error of reference, and the Site Plan reference should be corrected.

**Motion to authorize Carey Duques to correct the scrivener’s error in the Regulations concerning Route 9 Gateway SDD by Mark Reeves, seconded by Peter Fleischer. Motion carried unanimously.**

- Discussion of a possible text amendment regarding housing in Essex

Carey Duques noted the Commission’s intent to develop a regulation to provide for additional housing opportunities. She asked for some guidance from the Commission on the philosophical approach. Jane Siris stated that a number of potential adjustments proposed by the staff to the prior application would be incorporated into a better regulation. Mark Reeves suggested that there should be a more holistic approach. John Guskowski referenced the PoCD and Affordable Housing Plan that had a number of specific suggestions and asked if there was something different the Commission was looking for. David Rosengren stated that it was not relevant who made the suggestion. Peter Fleischer stated that the proposed regulation could be adjusted and adopted with some minor changes. Mark Reeves suggested a variety of elements that should be included into a holistic discussion.

John Guskowski and David Rosengren discussed the income and expense levels of affordable housing units. Jeff Lovelace discussed the current Affordable Housing Plan and Zoning Regulations. Carey Duques proposed that she and John Guskowski would present a draft of Regulations to the Commission to consider. Chairman Smith suggested having outside input from members of the public. Larry Shipman discussed scheduling a workshop, but perhaps with a draft to react to. Jane Siris discussed focusing the development in the designated nodes. Carey Duques relayed frequent development questions, and stated that she would work to prepare a proposed regulation.

**Motion to add consideration of a 2024 schedule of meeting to the agenda by Jeff Lovelace, seconded by Gary Riggio. Motion carried unanimously.**

- Adoption of Schedule of Meetings, 2024

Carey Duques presented the proposed meeting schedule for 2024, which retains a “first Tuesday” schedule with the exception of Election Day. Chris Riley suggested consideration of moving meetings to 6:00 p.m. Jane Siris suggested 6:30 p.m.

**Motion to adopt 2024 Schedule of Meetings maintaining a 7 pm start time by Jeff Lovelace, seconded by Gary Riggio. Motion carried unanimously.**

**7. Appointments/Reports from Committees and Officers**

- Lower CT River Valley Council of Governments Regional Planning Committee
  - o Regional Housing Committee: David Rosengren stated that a grant was submitted to HUD for a regional strategy to develop affordable housing in targeted areas.
- Economic Development Commission: Robert Day was not present, but Carey Duques noted that she provided the EDC with an update on planning elements. A Dollar General-owned grocery market (“DG Market”) is being proposed for approximately 12,000 sq ft of the prior Colonial Market space. This would be an as-of-right change, with a February opening target. The remaining 6,000 square feet is not yet planned.
- Plan of Conservation and Development – No update

- VR Zoning Text Amendment Committee – Committee is meeting tomorrow morning.

**8. Staff Reports**

- Town Planning Consultant: John Guskowski reported that the Harbor Management Commission would be finishing their Harbor Management Plan which will be reviewed by DEEP, and that the Town had received a \$440,000 grant for the elevation of Ferry Street and Pratt Street. Carey Duques stated that the pedestrian bridge would be installed on River Road in the spring.
- Land Use Official – There will be a third public hearing on Short Term Rentals on November 15<sup>th</sup>, which will review additional changes to the proposed ordinance. Carey Duques discussed the potential projects at 3 North Main Street.

**9. Correspondence**

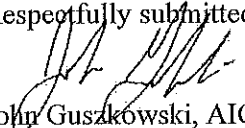
There were no other items of correspondence.

**10. Adjournment**

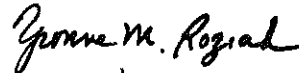
**Motion to adjourn by Gary Riggio, seconded by Jane Siris. Motion carried unanimously**

The meeting adjourned at 9:24 p.m.

Respectfully submitted,

  
John Guskowski, AICP, CZEO  
Consulting Town Planner

Received For Record



11/13, 2023  
Assist. Town Clerk, Essex, CT

8:50 A.M.