



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING - AGENDA
Tuesday, February 1, 2022 7PM
Essex Town Hall and via Zoom videoconference

Draft Minutes

1. Call to Order and Seating of Members

Chairman Russ Smith called the meeting to order at 7:02 p.m. In attendance for the meeting were Members Jane Siris (via videoconference), Gary Riggio, Christopher Riley and Mark Reeves. Seated for Robert Day was Alternate Jeff Lovelace. Also in attendance were Alternate David Rosengren, Land Use Official Carey Duques, Consulting Planner John Guszowski (via videoconference), and Commission Counsel Larry Shipman.

2. Approval of the Minutes

- January 4, 2022 Regular Meeting

Motion to approve minutes of January 4, 2022 was Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

3. Public Hearings

- **PZC Application 21-12 Special Exception** under Section 90 proposing a 12,325 sq ft addition to the existing building to be used for Boar's Head business and for rental space in accordance with uses permitted at **49 Plains Road**. *Applicant/Owner: Piage Management Corp (Received December 7, 2021, continued on January 4, 2022)*

Carey Duques noted that she received a letter from Bob Doane requesting that the application be withdrawn. A text amendment related to this application development has been submitted under a different agenda item.

4. Old Business/Action Items

- **PZC Application 21-12 Special Exception** under Section 90 proposing a 12,325 sq ft addition to the existing building to be used for Boar's Head business and for rental space in accordance with uses permitted at **49 Plains Road**. *Applicant/Owner: Piage Management Corp (Received December 7, 2021, continued on January 4, 2022)*

The application has been withdrawn.

- **PZC Application 21-14 Special Exception** under Section 60A.2(D) proposing to convert the existing public wellness center and spa into a private wellness center housing no more than eight (8) suites plus the existing ranch house at **63 South Main Street Essex**. *Applicant/Owner: Essex House LLC (Received January 4, 2022, opened and closed public hearing on January 4, 2022, continued discussion to January 4, 2022)*

Carey Duques noted that the public hearing had been closed, but some work had been done by staff to develop a full description of the proposed use of the wellness center relative to the Zoning Regulations. Some of the proposed conditions of approval could include:

- 1) Length of stay shall be no less than two consecutive weeks; and
- 2) No more than nine individual residential treatment units, with one person per unit, shall be present at one time – eight in the main building and one in the ranch house; and
- 3) No treatment shall occur on the property

Chairman Smith led a short discussion of the application and proposed uses and the Commission discussed the language of the conditions.

Motion to approve application 21-14 with the conditions:

- 1) **Length of stay shall be no less than two consecutive weeks; and**
 - 2) **No more than nine individual residential treatment units, with one person per unit, shall be present at one time – eight in the main building and one in the ranch house; and**
 - 3) **No treatment shall occur on the property**
- by Russ Smith, seconded by Gary Riggio. Motion carried unanimously, with Christopher Riley abstaining.**

- **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 the P&Z) for his recommendation to the Commission. *(Continued on March 2, April 6, May 4, June 1, July 6, August 3, September 7, and November 9, 2021)*

Town Engineer Bob Doane noted that he received a revised plan very recently for the overall subdivision plan and would be reviewing it shortly. He had also been meeting with Attorney Lomme and the Essex Glen Association regarding the development and improvement of common elements of Lot #1. He asked whether the Commission could play a role in ensuring that the common elements would be completed by the developer. A bond has been posted that Bob Doane believes is

sufficient to complete all of the common elements. Attorney Shipman clarified the Commission's leverage on holding up certificates of occupancy for individual units relative to the completion of common elements. He stated that he would investigate that matter.

Motion to continue discussion on this item until March by Jeff Lovelace, seconded by Mark Reeves. Motion carried unanimously.

5. **Receipt of New Applications**

- **PZC Application 22-01 Proposed Zone Change** under Section 123 proposing to change the zone of **3 Pratt Street** from Village Residential District (VR) to Essex Village District (EV). *Applicant/Owner: Bushnell Management*

Carey Duques distributed copies of the proposal for the re-zoning of 3 Pratt Street and explained how the owners of both properties on the corner of Pratt and North Main Street would like both properties, which are adjacent to each other, be under common regulations.

Motion to receive application and schedule for public hearing at March 1, 2022 meeting by Jane Siris, seconded by Mark Reeves. Motion carried unanimously.

- **PZC Application 22-02 Proposed Zone Change** under Section 123 proposing to change the zone of **54 Main Street** Essex from Waterfront Business District (WF) to Essex Village District (EV). *Applicant/Owner: Annelisa Santoro*

Carey Duques distributed copies of the proposal, which would change the zoning of the boat-house at the end of Main Street next to the public boat launch.

Motion to receive application and schedule for public hearing at March 1, 2022 meeting by Jane Siris, seconded by Gary Riggio. Motion carried unanimously.

Motion to amend the agenda to add the receipt of an application, number 22-03, proposed text amendment by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

- **PZC Application 22-03, Proposed Text Amendment**, Section 40.L, removing the sentence "except for maximum building coverage where portions of any lot are in different zones" which would allow the Commission to determine which zoning district's lot coverage regulation would apply to the entire parcel.
Bob Doane clarified the purpose of the regulation change and said he would work with the Commission to ensure a clear interpretation of the new

regulation. The Commission discussed the process of receiving and posting text amendments.

Motion to receive application and schedule for public hearing at March 1, 2022 meeting by Mark Reeves, seconded by Gary Riggio. Motion carried unanimously.

6. **New Business**

- Discussion regarding outdoor entertainment and noise at Scotch Plains
Carey Duques circulated a letter from Selectman Bruce Glowac stating concerns regarding noise from outdoor music at Scotch Plains Tavern, and reminded the Commission of a conversation last fall with the property owner. There have been some publicly expressed concerns about noise as the spring and summer season were approaching, and several complaints are persistent. Carey Duques reviewed the liquor license for the property. Chairman Smith read aloud the letter from Selectman Glowac. The Commission discussed the topography of the site and how that affected acoustics. Attorney Shipman stated that the Zoning Commission could enforce noise nuisances and could review the liquor permit allowances for band/music locations. The Commission discussed other outdoor music performances and how there was no specific language in the Zoning Regulations other than general nuisance performance standards.

Chairman Smith invited members of the audience to discuss the matter. The property owner, Fred Autorino, stated that the liquor license covered the indoor music and some outside seating. Because of COVID, an increasing amount of activity was moved outside. Overall, the outside venue has become central to the restaurant's business and he sought to find a compromise with the community to allow for some outdoor activity. He has had discussions with engineers about attenuating the noise and wanted to work with the Town. Stephen Capobianco, the restaurant manager, discussed the various ways in which the restaurant has adapted because of COVID and tries to meet the needs of customers. Jane Siris stated that the concern was not the activity, but the noise level. Member of the public Robert Vitari stated that he was supportive of the restaurant, but the specific noise was very disruptive and continued late into the evenings. Chairman Smith asked if there was a compromise position, and Mr. Vitari suggested that indoor music would be more appropriate. David Rosengren stated that the Commission should review the opportunity for compromise and the scope of its authority. Mark Reeves suggested that other communities' approaches should be investigated. John Guskowski suggested that staff could review current regulations and suggest regulatory or ordinance options, and Jane Siris stated that this would be a good approach. Selectman Bruce Glowac stated that he believed the Zoning Regulation could manage this situation. Carey Duques read Section 80.B.2, which discussed "undue annoyance" to neighboring properties. Chairman Smith asked that staff investigate whether the Zoning Commission had

existing authorities and whether additional regulations might be available for the March meeting.

- Review of draft application for Text Amendment Re: Section 45 Accessory Dwelling Units

Carey Duques reviewed the proposed changes to the Accessory Apartment regulations prepared by John Guskowski that would need to be modified to comply with the state standards of Public Act 21-29. To choose not to comply would require a public hearing and a 2/3 majority vote of both the PZC and the Board of Selectmen. The alternative would be to modify the Zoning Regulations via text amendment, which would also require a public hearing. She suggested that the Commission could schedule a public hearing for this amendment for April.

Motion to schedule a public hearing for the proposed text amendment for the April 2022 meeting by Mark Reeves, seconded by Jane Siris. Motion

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

- Lower CT River Valley Council of Governments

- o Regional Housing Plan – Carey Duques stated that there was a second public information meeting on January 24th. She will summarize notes. John Guskowski stated that the Town’s public presentation concerning Essex’s housing conditions was tentatively scheduled for March 1 but suggested that a revised date might need to be proposed because of the public hearing schedule.

- Economic Development Commission

Robert Day was not in attendance and did not submit a report.

- Plan of Conservation and Development

There was no activity concerning the PoCD.

- Cannabis Subcommittee

Carey Duques stated that the committee members were doing research and would be meeting next week. They will provide the Commission with updates as possible.

8. **Staff Reports**

o Town Planning Consultant

John Guskowski stated that he had been working with the Harbor Management Commission, which was making good progress on updating the Harbor Management Plan; that he had recently submitted a grant application to NFWF for the restoration of Thatchbed Island, and would be working with the Selectman’s office on submitting grant applications and funding requests for the replacement of the River Road bridge and construction of a sidewalk up River Road from North Main Street to Heritage Cove.

o Land Use Official

Carey Duques provided two short updates: that the indoor storage units that were approved in 2021 needed to make a very minor change that would re-align the driveway to the northern portion of the property (with an existing curb cut) to allow for a septic system installation; and that Olive Oyl's is seeking to add an outdoor, covered dining area that could be enclosed during cold-weather months. This was working through the health and building offices.

9. **Correspondence**

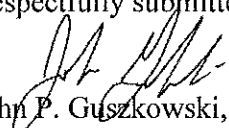
There was no additional correspondence.

10. **Adjournment**

Motion to adjourn meeting by Jeff Lovelace, seconded by Jane Siris. Motion carried unanimously.

Meeting was adjourned at 8:40 p.m.

Respectfully submitted,


John P. Guskowski, AICP
Consulting Town Planner

Received For Record

Yvonne M. Roziah

02/03

2022

Assist. Town Clerk, Essex, CT

@

9:04 A.M.