



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING

Tuesday, February 7, 2023 7PM

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Russ Smith called the meeting to order at 7:03 p.m. Seated for the meeting were Members Jane Siris, Mark Reeves, Robert Day, Chris Riley, and Peter Fleischer. Seated for Gary Riggio was Alternate David Rosengren. Also in attendance was Land Use Official Carey Duques, Town Planner John Guskowski, and Counsel Larry Shipman.

2. Approval of the Minutes

- January 3, 2023 Regular Meeting

Motion to approve minutes of January 3, 2023 Regular Meeting by Robert Day, seconded by Peter Fleischer. Motion carried unanimously, with David Rosengren abstaining.

Motion to amend the Regular Meeting agenda to address Essex Glen update prior to Item #3 Public Hearing by Robert Day, seconded by Mark Reeves. Motion carried unanimously.

Essex Glen Update

Carey Duques reviewed correspondence concerning the items left to complete the Essex Glen public improvements. She had met several times with the Town Engineer to discuss the items but did not have a formal report from him. She recommended that the Bond remain in place and until a formal report is prepared by the Town Engineer the item be continued until the March PZC meeting. She also noted that there was correspondence received from the attorney for the Homeowners' Association about some additional desired amenities, but there has been no direct correspondence between the HOA attorney and the developer's attorney.

Attorney Terry Lomme spoke on behalf of the developer and requested that the bond amount be reduced in recognition that the road, guardrail, and planting installation had been completed. He represented a conversation with Town Engineer Bob Doane about an amount of \$25,000 to cover the remaining items. He discussed the HOA request for an island amenity and how it was not part of the latest approval conditions. The Commission discussed the remaining improvements, including topdressing, regrading, and hydroseeding a detention basin. Attorney Lomme stated that he has been awaiting a letter of sign-off from the Town Engineer for quite some time. Mark Reeves questioned the necessity of rushing to release the bond. Chairman Smith noted that he wished to receive a formal note from the Town Engineer. Jane Siris agreed that the bond should be reduced based on work completed once communication was received from the Town Engineer. The president and members of the HOA asked about the process to get the road approved as a Town Road and express concern about the work being completed.

Carey Duques will work with the Town Engineer on the list and sign off prior to the March meeting.

3. Public Hearings

- **PZC Application 22-19 Special Exception** under Section 90A.3(A) of the Essex Zoning Regulations to build 2 buildings, one 28,500 sq ft and one 21,700 sq ft, and associated building utility services and site improvements at **43 Bokum Road Essex** Applicant/Owner: *George C Field Co Inc.* (Application received December 6, 2022, public hearing opened January 2, 2023, continued to February 7, 2023.)

Aron Schumacher, PE, of Doane Engineering, represented the applicant and distributed some additional materials to the Commission, including a revised application, aerial photo, schematic, and cross-section drawings. He reviewed the areas of Building #1, where Essex Winair will be located is over 28,000 square feet and the other approximately 22,000 square feet. He reviewed the aerial schematic and the cross-section drawings, describing the grading and drainage details. The Commission asked about the building sizes and placement. Jane Siris questioned the wisdom of maximizing the square footages, particularly given the wishes of the adjacent residential uses. Aron Schumacher noted the wishes of the developer and the overall use of the district, which is Limited Industrial. Jane Siris noted that because Building 2 has no specific function, a review by the Commission is an abstract exercise. She noted that the use should be better defined before final approvals. Aron Schumacher noted that Inland Wetlands Commission approval has been obtained, and how the project had been sited and sized to avoid impacts to the wetlands.

He also noted that, based on comments from a prior meeting, some additional fencing and landscape screening have been added to the revised plan. He confirmed that turning radius analysis had been done and was sufficient for tractor/trailers. Mark Reeves agreed with Jane Siris that the size of the buildings made movement through and around the site very constrained. Aron Schumacher noted that the design met regulatory setbacks, necessary turning radius requirements, and the developer's specifications. He discussed plantings and screening detail, location, and purpose with Chairman Smith and the Commission. The Commission also discussed the visibility of residential and industrial property to and from the subject property. The Commission then discussed the proposed floor plans with the applicants, including the interior loading dock.

Chairman Smith asked about the timeframe of the hearing. Carey Duques stated that if the hearing would be continued, they would have to ask an extension from the applicant. Chairman Smith asked if members of the public had questions. Peter Fleischer asked about structural setbacks and screening in industrial districts vs. residential districts. Carey Duques reviewed the Regulations relative to driveways near property lines. Chairman Smith confirmed that should the ultimate user of the second building need modifications, they would need to return to the Commission for a revision. Aron Schumacher discussed the order of operations of site development. Jane Siris asked about management of roof drainage, which will be sheet flow off the roof and to the stormwater collection system in the parking lot. Aron Schumacher noted that the engineering, including stormwater calculations, had been reviewed by a third-party engineering consultant and approved. Jane Siris reiterated that she would be in favor of approving Building #1 only and Building #2 in concept, requiring a return approval when the end use and tenant were determined. Carey Duques also noted some construction conditions and that the Health Department had not provided final approval yet.

Motion to close the public hearing by Robert Day, seconded by Jane Siris. Motion carried unanimously.

- **PZC Application 19-26 Modification of Special Exception** to have an indoor sporting business in a 20,000 sq ft building approved in 2019 at **83 Westbrook Road Centerbrook** Applicant/Owner: *Stephen R. Cline Successor Trustee of the EST Irrevocable Trust* (Application received December 6, 2022, public hearing opened January 2, 2023, continued to February 7, 2023.)

Attorney Terry Lomme represented the applicant and stated that some additional studies had to be completed on the property, including a traffic study and submitted a request for extension of the public hearing. He did note that traffic counters did not function well in cold weather. He further noted the site plan changes that provided additional overflow parking. Jane Siris suggested starting with the interior floor plan for pedestrian access discussion.

Attorney Lomme discussed the addition of fencing between the existing and new buildings for safety. He noted that the access road to the Airport property has been discontinued and the entrances would be improved under the proposed development and use. Jane Siris noted that the site has already been cleared of vegetation. Attorney Lomme showed photos of the site preparation, including installation of silt fence. The Commission discussed the building floor plans and site layout relative to the proposed use of the building. Jane Siris expressed concern about the unrestrained use of blacktop to serve the building, consolidating parking in the front of the building and reducing pavement. Attorney Lomme discussed the long-term site plans which may require additional paved circulation around the building, and Robert Day noted the fire-equipment access component of the paving. Jane Siris stated that the Fire Marshal should be consulted on that matter. Attorney Lomme discussed the function of the interior of the building and site, including student pick-up and drop-off. Mark Reeves discussed the traffic challenges around school start and close throughout the day. Attorney Lomme discussed scheduling of events and activities with the Commission, and how the applicants had a long track record of traffic and scheduling management. Chairman Smith noted that the applicants had an existing operation in the Industrial Park with the same traffic flow and uses.

Attorney Lomme discussed traffic flow with the Commission and how the pending traffic study would provide guidance. Finally, he noted that the Fire Marshal reviewed the documents concerning the storage of hazardous materials at the adjacent building and found that the materials were contained and were caustic but not explosive. He did not have any major issues with the placement of the new building. Mark Reeves stated that a condition of approval could include bollards to protect the hazardous materials from the new traffic. Attorney Lomme noted that there would be fencing installed between the buildings. Chairman Smith noted three letters of support for the use. Attorney Lomme also noted that any site lighting would be full-cutoff and downcast. There was no additional public comment on this application. Peter Fleischer requested that the traffic study reflect maximum-use conditions rather than a report that downplayed participation. Mark Reeves asked about maximum seating capacity in the fold-up bleachers, which the applicants answered were approximately 40 visitors.

Motion to continue the public hearing to the March PZC meeting by David Rosengren, seconded by Robert Day. Motion carried unanimously.

- **PZC Application 22-21 Special Exception** under Section 105 of the Essex Zoning Regulations to use the Steam Rooms A and B of the Witch Hazel Works for small-medium-sized events **6 Main Street, Centerbrook** Applicant: *Shannon Dolan;* Owner: *MacBeth Venture, LLC* (Application received December 6, 2022, public hearing opened February 7, 2023.)

Peter Decker of MacBeth Ventures and Shannon Dolan of the proposed event-facility event use represented the application. Shannon Dolan discussed the use of the facility for mostly smaller events of fewer than 50 participants. The events would bring in their own vendors, including caterers, and set up the facility in customized ways. Changes in the event-hosting market has created a demand for smaller spaces. No on-site food preparation would be taking place. Russell Campaigne, architect, discussed the parking allocation for the additional use at the Witch Hazel facility. He noted that the proposal was compliant with the Town's regulation for parking, ingress/egress, bathrooms, and health code requirements. He then reviewed the overall Witch Hazel site plan and described circulation and usage, including some pedestrian safety enhancements around the buildings. The Commission reviewed the parking locations and allocations. Russell Campaigne then reviewed the floor plan for circulation, event layout, and setup.

David Rosengren asked about site details such as signage, lighting, fencing/screening, and other details. Russell Campaigne noted the details, and how very little signage or lighting would be added. He discussed vehicle circulation and loading/unloading with Peter Fleischer and the Commission. There were no further questions from the Commission or public.

Motion to close the public hearing by Mark Reeves, seconded by David Rosengren. Motion carried unanimously.

- **PZC Application 22-23 Special Exception** under Section 90. A.1, 104.D.3 of the Essex Zoning Regulations to build a 10,125 sq ft building for expansion of the existing Boar's Head business at **49 Plains Road Essex** *Applicant/Owner: Piage Management Corp.* (Application received January 3, 2023, public hearing opened February 7, 2023.)

Aron Schumacher, PE, from Doane Engineering represented the applicant and distributed supplementary application materials, including revised site plans, aerial schematics, elevations, lighting details, site utility plans, cross-sections, and full engineering reports to the Commission. He presented the current use of the site as a distribution/warehouse facility. They wish to add a second 10,125 square foot building to the rear of the existing building. He is awaiting both Wetlands Commission approval and the results of a third-party engineering review. He reviewed truck access and circulation, including use of the loading docks. He reviewed details of parking, landscape planting and screening, and discussed the stormwater management structures. Final planting plan of the stormwater basin landscape details are pending. They are awaiting approval from the Health Department for wastewater system design.

He reviewed the details of the stormwater design and the stormwater report, which is also awaiting comment from the third-party engineer. He noted that the traffic increases would not be significant based on the owner's delivery model. The Commission asked about the interior floorplans, which were not finalized yet. Applicant Michael Piagentini discussed their business growth, which necessitated additional storage space. Much of the new space will be coolers, but the pace of business growth will dictate the completion of the interior of the building. The application will need to be continued due to pending decisions of Wetlands and input of the third-party engineer. Jane Siris discussed her concerns about lot coverage with blacktop and suggested moving some of the parking to get below impervious percentages. Aron Schumacher noted that the impervious coverage is 64.9%, just below the regulatory maximum. He reviewed the regulatory compliance for the Limited Industrial District. The Commission discussed the building elevations and the potential for pervious pavement or gravel parking areas. Aron Schumacher noted that that approach did not work well for a use such as this.

Aron Schumacher noted some additional site details to be added, including site lighting, which will be reviewed at the next public hearing. He stated that truck circulation functioned well based on existing operations, and no significant changes were anticipated.

Robert Vitari, the abutting property owner, stated that the proposed re-grading of the property and the drainage design would create a drainage concern for his property. He questioned the engineering design from a functional perspective. Aron Schumacher responded to the drainage concerns, noting that the third-party engineer has approved of the stormwater drainage design. He reviewed the drainage design in detail with the Commission. Gary Bombaci asked about the buffer area between the subject property and his land. Aron Schumacher noted that there would be some box-truck traffic, but some planting would be established to improve the wetlands area.

Motion to continue the public hearing until the March, 2023 PZC meeting by Robert Day, seconded by Mark Reeves. Motion carried unanimously.

4. Unfinished Business/Action Items

- **PZC Application 22-19 Special Exception** under Section 90A.3(A) of the Essex Zoning Regulations to build 2 buildings, one 28,500 sq ft and one 21,700 sq ft, and associated building utility services and site improvements at **43 Bokum Road Essex** Applicant/Owner: *George C Field Co Inc.* (Application received December 6, 2022, public hearing opened January 2, 2023, continued to February 7, 2023.)

Carey Duques clarified that the actual proposed building sizes were 28,770.28 square feet and 22,480 square feet. She presented a draft motion noting that the construction of the buildings were approved with the following conditions: 1) Construction of the buildings are approved subject to receiving a building permit, however, any specific use within or outside the structure must be approved by the Commission pursuant to 90A.3(A) regardless of the amount of square footage being utilized by the any specific user, via the special use permit process. 2) All construction shall receive approval from the Essex Health Department prior to the issuance of a zoning permit.

Motion to approve Application 22-19 with the conditions that: 1) Construction of the buildings are approved subject to receiving a building permit, however, any specific use within or outside the structure must be approved by the Commission pursuant to 90A.3(A) regardless of the amount of square footage being utilized by the any specific user, via the special use permit process. 2) All construction shall receive approval from the Essex Health Department prior to the issuance of a zoning permit by Russ Smith, seconded by Mark Reeves. Motion approved 5-2.

- **PZC Application 19-26 Modification of Special Exception** to have an indoor sporting business in a 20,000 sq ft building approved in 2019 at **83 Westbrook Road Centerbrook** Applicant/Owner: *Stephen R. Cline Successor Trustee of the EST Irrevocable Trust* (Application received December 6, 2022, public hearing opened January 2, 2023, continued to February 7, 2023.)

Application was continued until the March 7, 2023 PZC meeting.

- **PZC Application 22-21 Special Exception** under Section 105 of the Essex Zoning Regulations to use the Steam Rooms A and B of the Witch Hazel Works for small-medium-sized events **6 Main Street, Centerbrook** *Applicant: Shannon Dolan; Owner: MacBeth Venture, LLC* (Application received December 6, 2022, public hearing opened February 7, 2023.)

Motion to approve Application 22-12 with the condition that: The proposed use shall receive approval from the Essex Health Department prior to the issuance of a zoning permit, by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

- **PZC Application 22-23 Special Exception** under Section 90. A.1, 104.D.3 of the Essex Zoning Regulations to build a 10,125 sq ft building for expansion of the existing Boar's Head business at **49 Plains Road Essex** *Applicant/Owner: Piage Management Corp.* (Application received January 3, 2023, public hearing opened February 7, 2023.)

Application was continued until the March 2023 PZC meeting.

5. **Receipt of New Applications**

- **PZC Application 23-1 Text Amendment** under Section 123 of the Essex Zoning Regulations to modify the sections relating to the Gateway Zone as well as add language to regulate light pollution *Applicant: CT River Gateway Commission.*

Motion to receive application and schedule public hearing for April 4, 2023 by Russ Smith, seconded by David Rosengren. Motion carried unanimously.

6. **New Business**

There was no new business.

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

- Lower CT River Valley Council of Governments Regional Planning Committee: Carey Duques reported that there is a Commissioner education requirements and there are several training opportunities available through the CT Bar and UConn CLEAR and that she would make Commissioners aware of training opportunities as they arose.
- Economic Development Commission: Robert Day had no update.
- Plan of Conservation and Development: Carey Duques noted that there has been some bigger-picture discussion about site development in combination and how numerous applications may affect the overall traffic and development situation in Essex. She suggested a standing discussion for Planning matters. The Commission discussed the potential for a bigger-picture planning analysis of iterative or combined developments, particularly in the commercial core of the town. The Commission agreed to initiate a standing planning agenda item on the April 4 2023 agenda.

8. **Staff Reports**

- Town Planning Consultant – John Guskowski noted that he had been working with the First Selectman’s office, Public Works, the Town Engineer, and Capital Project Committee on several projects, including the River Road sidewalk project, which will hopefully complete design this spring and be ready for construction in the fall. He is also working on future sidewalk project funding for Westbrook Road, and on the recently-awarded STEAP grant project to provide improvements to Hubbard Field. He and Carey Duques also have been coordinating with developers who are seeking to propose a text change in advance of a multifamily condo project at 160 Saybrook Road.

- Land Use Official
 - o Short Term Rentals: Carey Duques noted that she had been meeting with the Town Counsel and First Selectmen as well as municipal officials about a proposed Short-Term Rental ordinance and these discussions are ongoing.

9. Correspondence

There was no additional correspondence.

10. Adjournment

Motion to adjourn by Mark Reeves, seconded by Robert Day. Motion carried unanimously.
Meeting adjourned at 10:22 p.m.

Respectfully submitted,


John Guskowski
Consulting Planner