



## ESSEX PLANNING & ZONING COMMISSION

### REGULAR MEETING

Tuesday, March 2, 2021

7:00 p.m.

Meeting Held Via Zoom Video Conference

#### Meeting Recording:

<https://www.dropbox.com/s/rpasmge8ihens50/P%26Z%2003%2002%2021%20Video.mp4?dl=0>

### 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, Gary Riggio, Ralph Monaco, Robert Day III, and Mark Reeves; Alternates Jeff Lovelace and Tom Carroll. Also in attendance were Land Use Official Carey Duques, Consulting Planner John Guskowski, Commission Counsels Larry Shipman and David Royston, and Attorney Terry Lomme.

#### 2. Approval of Minutes

January 11, 2021 Regular Meeting

**Motion to approve minutes of January 11, 2021 by Ralph Monaco, seconded by Jane Siris. Motion carried unanimously.**

February 2, 2021 Regular Meeting

**Motion to approve minutes of February 2, 2021 by Jane Siris, seconded by Mark Reeves. Erin Borruso noted that her name was spelled incorrectly. Motion carried unanimously.**

### 3. Public Hearing

- a. **Application No. 21-2 – Bertie Deming Heimer, 17 Mack Lane** – An application for a Special Exception to construct a single-family dwelling with over 4,000 square feet of floor area on a property within the Gateway Conservation District *(Received February 2, 2021)*

Chairman Smith noted that this application’s public hearing will be opened at a Special Meeting on March 16, 2021 at 5:30 p.m. Carey Duques stated that the applicant hadn’t posted a public notification sign in a timely manner, so the hearing had to be delayed.

### 4. New Business

- a. **Application No. 21-1 – Connecticut Coastal Academy, 192 Westbrook Road.** An application for a Modification to a Prior Approval to allow the location of an outdoor fenced-in recreation area and tables *(Received February 2, 2021)*

Dr. Pamela Potemri, Executive Director of the CT Coastal Academy, presented the proposed changes to the school facility, which include a fenced-in recreation area, tables, and landscape plantings. Jane Siris asked about the height of the fencing and the spacing of the proposed forsythia. Dr. Potemri clarified that the height will be between 34” and 42” high, and forsythia will be planted 3’ on center. Jane Siris also asked about the use of the fenced area as a recreation facility, and Dr. Potemri responded that the School has memberships for all of the students at the regional YMCA, and that they would be instructed not to be too active within the on-site yard area. Chairman Smith confirmed that there were no other questions.

**Motion to approve the Plan Revisions as proposed, with the notes that fencing would be between 34-42” in height and forsythia would be planted 3’ on center by Mark Reeves, seconded by Jane Siris. Motion carried unanimously.**

- b. **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 a turnaround at the cul-de-sac at Essex Glenn Drive. The modification is to be provided by Robert Doane, designated Agent for the Planning Commission (now the PZC) for his recommendation to the Commission.

Attorney Terry Lomme presented for the applicant, seeking to formalize the removal of sidewalks from the final road plans, stating that this had been a contingent waiver provided by the Zoning Commission in exchange for the cul-de-sac turnaround and on the condition that schoolchildren would not be a part of the development. Jane Siris asked if it was too late to have the sidewalk as part of the final development. Chairman Smith asked about the status of the road. John Guskowski stated that the road was designed and is being built to Town standard, but it would need to be complete, inspected, and recommended for acceptance by Town Meeting.

Attorney Royston reviewed the process of approval by the Planning Commission, who he stated had required a sidewalk, as well as a number of construction elements of the road which had not been completed and were referenced in a memo dated March 2, 2021 from Town Engineer Bob Doane. These elements included an inadequate sight line and installation of utilities. There was an extended discussion between Attorney Royston, Attorney Lomme, and Mr. Doane about the different plan iterations and the elements that needed to be complete prior to the project construction deadline, as well as bond amounts. Robert Day suggested that staff should compile a final “punch list” of elements to be completed prior to project conclusion. It was agreed at this time that the current requirements and bond amount did not include sidewalks, which remained under a waiver provided by the Zoning Commission. There was a general discussion about the Town’s sidewalk connectivity efforts and pedestrian facilities along Bokum Road.

**Motion to request staff to summarize all technical and permit requirements and provide it to the Commission and applicant by Robert Day, seconded by Ralph Monaco. Motion carried unanimously.**

**Motion to continue discussion on this application at the April PZC meeting by Russ Smith, seconded by Mark Reeves.** Erin Borruso noted that a good, up to date site plan for the road should be provided to the Commission. Attorney Royston noted that this site plan should be one of the requirements included in the staff summary.  
**Motion carried unanimously.**

- c. **Request of The Lofts at Spencer’s Corner, LLC – Zoning Commission Application No. 18-9** Request per letter attached regard issuance of C.O. with deferred site work to be secured by the STEAP grant awarded to the Town of Essex.

Attorney David Royston, on behalf of The Lofts at Spencer’s Corner, reviewed the request, which that the assignment of responsibility to complete the parking lot improvements be secured by the fact that the Town has received a STEAP grant to complete this work, and that the dwelling units be allowed to receive Certificates of Occupancy without having to post further bonding. Town Engineer Bob Doane provided a construction estimate for the work to be deferred until the spring.

**Jane Siris moved to accept the proposal and \$10,000 assignment letter and to allow Certificates of Occupancy to be issued, and Gary Riggio seconded. Motion carried unanimously.**

- d. **Election of Commission Secretary**

There was a general discussion about the role and need for a Commission Secretary, which are largely handled by the Clerk. Attorney Shipman noted that the Secretary generally reads the formal legal notice of meetings, which can be handled by the Chairman. The Commission generally agreed that no Secretary needed to be elected at this time.

**5. Receipt of New Applications**

None.

**6. Old Business**

None.

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

**a. Report from Lower CT River Valley Council of Governments**

Jane Siris noted that her report was emailed earlier and is in the public meeting materials.

**b. Report from Economic Development Commission Representative**

Robert Day reported that there was a very positive meeting of EDC, who met with the owner of Safe Harbors Marina and a general discussion of how the Town could be more supportive of the Marinas.

**c. Report of Committee on Plan of Conservation & Development**

John Guskowski noted that the Committee had not been established.

**8. Staff Reports**

- Town Planner John Guskowski reported on several items including: meeting with representatives of potential developments at the property next to Essex Hills West, which would be a subdivision; the potential redevelopment interest in of the current Essex Spa property on South Main Street and the associated need to adjust the Zoning Regulations for mixed-use or higher-density redevelopment; the potential “pocket park” concept for the DeVinney property on Saybrook Road and South Cove and how UConn Landscape Architecture students would be doing a design studio of this property; and the interest in establishing a “big-picture to-do list” for PoCD implementation moving forward. The Commission agreed to add this last matter as an agenda item in April.
- Land Use Official Carey Duques discussed her approach to regulation assessment and review of high-frequency zoning variance applications. She noted that issues such as building coverage and setbacks came before ZBA frequently and could trigger the PZC to consider regulation revision. She also discussed Carlson’s Landing on Main Street and the signage variance they were seeking. The Commission generally agreed that Carlson’s Landing situation was more of a one-off situation and that a variance was probably more appropriate there. She further presented a zoning referral from Old Saybrook which had not been considered by the RiverCOG Regional Planning Commission. Finally, she sought review and approval of the memorandum of decision for Application 20-4, for an indoor storage facility.

Motion to authorize Chairman Smith to sign the memorandum of decision for Application 20-4 by Mark Reeves, seconded by Ralph Monaco. Motion carried unanimously.

9. **Correspondence and Invoices**

Carey Duques presented invoices from CHA (planning), Halloran & Sage (legal), Dzialo Pickett & Allan (legal), and Shipman, Shaiken & Schwefel (legal)

Motion to pay invoices by Russ Smith, seconded by Ralph Monaco. Motion carried unanimously.

10. **Chairman's Comments**

Chairman Smith expressed gratitude and appreciation for the high level of participation and engagement by the Commission members and staff at the virtual meetings.

11. **Adjournment**

Motion to adjourn by Ralph Monaco, seconded by Mark Reeves. Motion carried unanimously. Meeting was adjourned at 8:47 p.m.

Respectfully submitted,

  
John Guskowski  
Consulting Town Planner

Received For Record  
*Gronne M. Rogial*  
03/04, 2021  
Assist. Town Clerk, Essex, CT

11:20  
A.M.