



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING

Tuesday, March 7, 2023 7PM

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Russ Smith called the meeting to order at 7:02 p.m. Seated for the meeting were Members Jane Siris, Mark Reeves, Gary Riggio, Robert Day, and Chris Riley. Seated for Peter Fleischer was Alternate David Rosengren. Also in attendance was Alternate Tom Carroll, Land Use Official Carey Duques, and Town Planner John Guskowski.

2. Approval of the Minutes

- February 7, 2023 Regular Meeting

Motion to approve minutes of February 7, 2023 by Mark Reeves, seconded by Gary Riggio. Motion carried unanimously.

3. Public Hearings

- **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 on February 7, 2023 to March 7, 2023.)

Attorney Terry Lomme represented the applicant. He noted that there were two outstanding items from the prior hearing: a request by Jane Siris to use gravel instead of pavement in a portion of the overflow parking area, which had been added to the site plan, gravel was not possible around the side and rear of the building due to access requirements of the Fire Marshall; and a traffic study. He introduced Neil Olinski, Transportation Planner, from SLR, who reviewed the submitted study. A traffic recorder was placed on Westbrook Road to assist with “baseline conditions” between February 10-11. The counts found over 5,000 vehicles on a weekday and over 3,000 on a weekend day. This was compared with DOT traffic counts, these numbers were similar, approximately 5,400 on a weekday. Peak hours were 3-4 p.m., with about 500 cars in that hour on a weekday, and between 12-1 p.m. on a weekend, with about 300 cars. An observation of the existing driveway revealed only about 10 vehicles per hour.

Mr. Olinski then described the projected traffic conditions based on ITE statistics, approximately 25 vehicles per hour entering and exiting the existing driveway based on industrial use. Smaller-scale traffic events generated by the use are expected to facilitate a “busy time” of approximately 90 people using the building, which would include multiple occupants (including children) per vehicle. This created a potential peak of 50 vehicles and assumed a moderate overall increase on Westbrook Road. This peak was assessed with a capacity analysis (level of service), and the projected conditions were within level of service “B,” or up to 15-second delay on average. This was more than acceptable, in the opinion of Mr. Olinski. He discussed crash history, which had

averaged approximately two per year, with no clear pattern of hazard or cause. He also noted that the driveway location had received preliminary approval in previous years by DOT, who owns the road. His conclusion was the proposed project would have minimal impact, particularly as the business was relocating from another location on Industrial Park Road, off of Westbrook Road. The DOT would be reviewing the driveway location and design again.

Robert Day asked about the parking spots. Bob Doane, Engineer for the applicant, replied that, at peak, with overflow, there would be 63 parking spots available. Robert Day followed up to ask about tournaments and higher demand events. Terry Lomme noted that the addition of 28 reserve spots to the baseline 35 provided that additional capacity, and the current facility has not experienced a demand that high at their current operation. Carey Duques noted that the parking calculations would be based on building capacity. Mark Reeves stated that the proposed facility would be significantly larger than the current facility, which would be likely to generate additional demand. Terry Lomme stated that there would be an additional court, but the capacity would be increasing by that order of magnitude. Neil Olinski stated that the existing facility traffic was not used, but instead the use of a 20,000 square foot building by recreational facility was used trip generation purposes. Mark Reeves noted his concern about the high levels of use of the facility to encourage financial viability. Neil Olinski stated that the parking lot would function like a typical parking lot.

David Rosengren stated that the curve on Westbrook Road headed north from Plains Road had a poor sight line. Neil Olinski stated that while the curve existed, the crash data did not demonstrate that the location along the road was a danger. Neil Olinski stated that the DOT would have the last word on the driveway location and access, which included a sight line analysis. Terry Lomme responded to a question about bus access and turnaround by noting that there was sufficient area for a bus to turn, but the facility did not anticipate bus traffic. Bob Doane discussed the DOT encroachment permit, which had been initiated but would require PZC approval before final DOT permitting. He described the design turning radii of the driveway and the sightline easement that had been acquired to ensure the design was sufficient. He reviewed the traffic exit queuing and level of service adequacy.

Mark Reeves asked about the increased traffic that would be generated by the larger facility. Jane Siris stated concerns about the traffic circulation problems created by the “kid drop-off” movements and thought a turn-around area should be considered to avoid backing vehicles. David Rosengren asked if the DOT takes into consideration the sight lines going from south to north when reviewing this driveway. Bob Doane noted that there was sufficient sight line demonstrated based on travel speeds, provided the sight line easement that had been acquired.

Ryan Spearrin, applicant and owner of HomeField, discussed the reason for expansion is to provide for two full basketball courts instead of a half-court. He was not proposing to add participants or teams. The same activity schedule would remain similar. The scheduling was morning and afternoon, not hour-to-hour. Mark Reeves and Robert Day discussed the business model and likely need to expand participation. The facility would not host multiple-team tournaments, and he believed the parking was sufficient based on other facilities they were aware of, including a similar facility in Montville. The busiest periods would be late afternoons and early evenings, from 5-9 p.m., after the current peak hour of traffic. Terry Lomme asked whether the current facility has ever approached the 90-person capacity, and Ryan Spearrin stated that they had never gotten close to that. The bleacher capacity was small. He stated that he is a Waterford safety officer and former traffic officer. Chairman Smith solicited public comment.

Peter McAndrew from Woodland Drive asked some questions about the traffic study, noting that the sample size of traffic collection was only two days and asked whether this was statistically

significant. He stated that he witnessed parking numbers in excess of 30-50 vehicles in nearby similar facilities. He further noted that the majority of the traffic on Westbrook Road was exceeding the posted speed limit, and the difficult intersecting driveways and roads. He expressed concerns about trucks and buses on Westbrook Road and Woodland Drive and stated that he was concerned about reduced property values on nearby properties. Gary Bloomquist asked about the peak activity hours and stated that the peaks would be just before and just after tournaments, not continually over several hours. Susan Schuster from Woodland Drive asked whether students would be practicing at the facility after school and expressed concerns about biking and walking students on Westbrook Road, and Ryan Spearrin stated that Essex Elementary students did not practice there after school. She further stated that the facility was likely underestimating the number of students using the facility.

Mike Gardner from Dogwood Drive stated he was very familiar with the traffic on Westbrook Road and expressed disappointment with the challenge of the curves and sight visibility along that stretch of road. He stated he was a former law enforcement officer in Old Saybrook and served as an accident reconstruction specialist. His experience attending youth sports events demonstrated that drop-off and pick-up traffic was very much a concern. He believed that there would be a stacking of cars backing out onto Westbrook Road as a result of this drop-off and pick-up activity. He asked about State Traffic Commission review, and Bob Doane stated that the DOT reviewed and preliminarily approved the entrance. Neil Olinski stated that this was not a major traffic generator that would have triggered OSTA review. Mike Gardner asked if Wetlands approval had been granted, and Bob Doane stated that it had been approved, and the overflow parking would remain as gravel parking. Susan Schuster also stated that exiting from Woodland Drive onto Westbrook Road took significantly longer than a level of service "B" timeframe. She reiterated her concerns about the safety along Westbrook Road. Peter McAndrew asked Bob Doane to show the detail of the sight lines. Bob Doane shared the site plans showing the sight line demonstration.

Richard Spearrin, Essex resident and the father of the applicant, noted that most objections assumed that there were far more frequent events than would take place and that they would not interfere with peak work hours at the Lee Company and other major employers. He stated the traffic was periodic and would not be as disruptive as other uses. Mike Gardner stated that the building expansion would very likely increase activity and use of the building. Carey Duques noted the submitted interior layout plan and several letters of support.

Terry Lomme stated that the DOT analysis considered all the related driveways and intersections, and they approved this location, noting that Woodland Drive was one of the most challenging intersections, but did not impact the sight lines of this driveway. He stated that traffic and parking questions had been answered. Carey Duques stated that approval from the Health Department was still pending. Terry Lomme stated that the applicant had to create a public water system to receive this approval and stated that he would like any PZC approval to be conditioned on public health approval.

Motion to close the public hearing by Chris Riley, seconded by Jane Siris. 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, public hearing continued to March 7, 2023.)

Aron Schumacher, PE, of Doane Engineering, presented for the applicant. He reviewed the site plans, which are largely the same as submitted and discussed at last month's meeting. Since last month, both Wetlands and Health Department approvals have been granted. There was a small realignment of the septic system, but it did not affect the overall site design. He noted that the third-party review was included with the Wetlands approval, and there will be some stormwater facility inspection as part of the site development and management. The plantings in the wetlands basin were designed by ecological experts. Carey Duques asked for clarification of stormwater design and infiltration. Aron Schumacher reviewed the infiltration design, which satisfies 25-year storm, with overflow for 100-year storms, and discussed drainage management under Route 153 by the DOT. He noted that the stormwater design reduced peak flow rates significantly in all design storms based on current baselines. The Commissioners clarified peak flow designs in pre- and post-construction conditions.

Robert Vitari, abutting property owner, reiterated his concerns from the prior meeting that the property was being overbuilt with impervious surface that would overwhelm the stormwater management system, and stating that the natural conditions for infiltration was preferable and posed less concern to the neighboring properties. Aron Schumacher reviewed the drainage report and noted that the third-party review by Jacobson approved it with a few conditions, including confirmation of as-built plans. Chairman Smith requested additional public input, and there was no further comment.

Motion to close the public hearing by Robert Day, seconded by Gary Riggio. Motion carried unanimously.

4. Unfinished Business/Action Items

- **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 on February 7, 2023 to March 7, 2023.)

Motion by Chairman Smith to approve application 19-26 with condition that Health Department approval is granted and that DOT approval is based on the proposed use and driveway location, and the overflow parking is constructed as proposed, seconded by Chris Riley. David Rosengren stated that this was a difficult decision to make with competing interests and concerns. He believed that this would create traffic problems and public safety concerns. Mark Reeves stated that he appreciated the work done by the applicant but stated that this was not the right place for the proposed use and there would be incremental impacts that would damage long-term conditions. Robert Day stated that he probably would support the project, but hoped the Town will be able to provide sidewalks soon. Gary Riggio stated that he was having a problem with the application and had concerns about the safety of the road. Jane Siris stated that she was satisfied that the applicant stated that they would not be increasing their traffic generation, despite her concerns about the safety of the road. Chris Riley stated that the applicant had sufficiently responded to concerns with engineering adjustments. **Motion carried 4-3 with Robert Day, Chris Riley, Jane Siris, and Russ Smith in favor, and David Rosengren, Mark Reeves, and Gary Riggio in opposition.**

- **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, public hearing continued to March 7, 2023.)

Motion to approve application 22-23 by Mark Reeves with all agreements as stated by the applicant, seconded by Gary Riggio. Motion carried unanimously.

5. Receipt of New Applications

- **PZC Application 23-02 Special Exception** under Section 40J of the Essex Zoning Regulations for construction of a new 1000 sq ft single family home with architectural elements that represent a vintage Dutch windmill at **24 Charles Street Centerbrook** *Applicant/Owner: Keith Knickerbocker*

Carey Duques requested a brief presentation from the applicant. Keith Knickerbocker stated that he is looking for a special exception for height, as required by the Zoning Regulations. Less than 10% of the building area would exceed the standard 35' height. Each of the proposed replica windmill blades were relatively narrow. The blades would be purely aesthetic, but would turn if the axle was not locked, for maintenance purposes. The Commission asked questions about the lot and the property. Carey Duques wished to confirm the interpretation that the windmill would be considered a similar structure to cupolas, spires, etc. Jane Siris stated that while the building shouldn't be more than 35 feet, the accessory elements could be, subject to public hearing for the special exception. She further wanted to receive more details about the height of the blades as well as a layout of neighboring buildings to compare heights. She further asked for detailed drawings on separate sheets.

Motion to receive application 23-02 and schedule a public hearing to be held at the April 4, 2023 PZC meeting by Jane Siris, seconded by Robert Day. Motion carried unanimously.

6. New Business

- Presentation from Desegregate Connecticut

Tucker Salls, Legislative Director from Desegregate CT made a presentation on the organization's current Work/Live/Ride legislative proposal focused on Transit Oriented Development in many communities in Connecticut. The organization is providing this presentation, education, and advocacy to all municipalities in the State. Their proposal has not been presented or heard by the General Assembly yet this session. The Commission discussed the proposal in concept.

Motion to amend the agenda to discuss the Essex Glen issue next by Robert Day, seconded by Gary Riggio. Motion carried unanimously.

Town Engineer Bob Doane stated that he had been approached by the developers to reduce the bond because the road had been paved and the guardrail had been installed. He stated that while this work had been done, a great deal of items regarding site stabilization were still outstanding and there would be some time before the Town knew if things were successful. He believed that the bond should not be reduced significantly until it was spring and it was clearer that the slopes were stabilized and plantings were taking hold. In response to a question from Jane Siris, Bob Doane stated that he would update the itemized improvement cost list. Attorney Terry Lomme advocated for release of more bond funds, stating that the road and guardrails were done and in place.

Motion to keep the Essex Glen bond in place until Town Engineer Bob Doane can prepare an updated itemized list of improvements and concerns by Chairman Smith, seconded by Chris Riley. Motion carried unanimously.

Following the Commission's vote, members of the public, including representatives of the Essex Glen Association, expressed concerns about the completion of public improvements.

7. Appointments/Reports from Committees and Officers

- Lower CT River Valley Council of Governments Regional Planning Committee
 - o Regional Housing Committee
Carey Duques reported that a Regional Housing Committee has been discussed and would be established by RiverCOG in the next few months to work on implementation of the Regional Housing Plan.
- Economic Development Commission: Robert Day had no update.
- Plan of Conservation and Development
 - o Discussion about Traffic Study and Development Plan – Carey Duques stated that in Peter Fleischer's absence, this issue should be continued until the April meeting.

8. Staff Reports

- Town Planning Consultant – John Guszowski discussed several ongoing infrastructure initiatives that were in process of development or seeking funding, including: River Road sidewalks, which would be constructed likely in the fall; Plains Road sidewalk, which was in the queue for LOTCIP funding in 2024 or 2025; Westbrook Road sidewalk, which would seek Community Connectivity funding from DOT this spring; and the River Road bridge, which would seek both funding from the State-Local bridge program and Rep. Courtney's special project allocation. He also noted that he was assisting the First Selectman's office and RiverCOG with a potential feasibility study for a multi-town waste management collaborative.
- Land Use Official – Carey Duques noted that the Town of Old Saybrook is proposing to extend a moratorium on drive-through facilities, and that the short-term rental ordinance draft is still in progress and may go to the Board of Selectmen in April or May. The Town appears to be taking an initially restrictive/conservative approach.

9. Correspondence

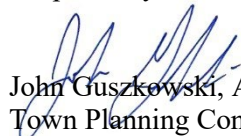
There was no additional correspondence.

10. Adjournment

Motion to adjourn by Chris Riley, seconded by Robert Day. Motion carried unanimously.

Meeting adjourned at 9:59 p.m.

Respectfully submitted,


John Guszowski, AICP
Town Planning Consultant