



ESSEX PLANNING & ZONING COMMISSION

REGULAR MEETING

Tuesday, April 6, 2021
7:00 p.m.

Meeting Held Via Zoom Video Conference

Meeting Recording:

<https://www.essexct.gov/planning-and-zoning-commission/minutes/minutes-and-recording-4>

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, Ralph Monaco, and Mark Reeves; Alternate Jeff Lovelace was seated for Robert Day and Alternate Tom Carroll was seated for Gary Riggio. Also in attendance were Land Use Official Carey Duques, Consulting Planner John Guskowski, and Commission Counsel Larry Shipman. Member Gary Riggio arrived at approximately 7:10 p.m.

2. Approval of Minutes

March 2, 2021 Regular Meeting

Motion to approve minutes of March 2, 2021 by Ralph Monaco, seconded by Mark Reeves. Jane Siris noted that the motion for the Connecticut Coastal Academy should be adjusted to state “The number of forsythia plants proposed would be adjusted such that they would be planted 3’ on center for the entire length of the proposed fencing.” **Motion carried unanimously as amended.**

March 16, 2021 Regular Meeting

Motion to approve minutes of March 16, 2021 by Jane Siris, seconded by Jeff Lovelace. Motion carried unanimously.

3. **Public Hearing**

There were no public hearings.

4. **New Business**

- a. **Modification to Subdivision Plan – Planning Commission Application #2-07 Landmark Interests, LLC, 3-lot subdivision. Property now owned by Essex Glen, LLC**

Carey Duques reported that she and Town Engineer Bob Doane met with the development contractor at the site and are still working through the specific issues required for the development to be in compliance with all of the subdivision and Special Exception criteria as originally approved. She stated that the issue did not need to be resolved at the current meeting and could be continued as an agenda item in May.

Motion to continue discussion on this matter until May 4th PZC meeting by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

- b. **Modification to Conditions relating to Application No. 20-04, Industrial Storage – 35-41 Industrial Park Road.** Modification pertains to increasing the number of storage units permitted.

CJ Bardy presented for the applicant and discussed how, following the February 2021 approval of the storage units with a cap of 250 units, they have adjusted their internal plans and found that at the proposed storage unit size, there is an excess of space within the building. He described that there would not be an anticipated increase in traffic based on increased internal units. He suggested that the number should be closer to 280-290, down from the original request of 330 units.

Motion to consider the request a “minor modification” to the prior Special Permit approval and to allow up to 300 internal units by Chairman Russ Smith, seconded by Jane Siris. Tom Carroll asked about outstanding conditions, and CJ Bardy expressed that the other conditions had been addressed. Ralph Monaco asked if there was a definition of what a “unit” was. CJ Bardy described a unit as a rentable space, with a roll-up door, as opposed to a mechanical room. The Commission discussed the unit count.
Motion carried 6-1, with Jeff Lovelace in opposition.

5. **Receipt of New Applications**

None.

6. **Old Business**

- a. **Review of memorandum of approval for Connecticut Coastal Academy.**

Motion to approve memorandum of decision by Jane Siris, seconded by Chairman Russ Smith. Motion carried unanimously.

b. Review of memorandum of approval of Application 21-2, 17 Mack Lane residence. Motion to approve memorandum of decision by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

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

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

Jane Siris stated that at the last Regional Planning Commission meeting reviewed the Regional PoCD draft and discussed comments. The draft publicly-released copy of the RPoCD will be distributed in late April, along with instructions for public input.

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

Robert Day was absent from the meeting. John Guskowski reported that he and Carey Duques met with First Selectman Needleman and EDC Chair Janet Peckinpaugh about goals for EDC, including revisiting the 2015 PoCD and determining if there were action items for EDC and developing an email distribution list of business owners so that the EDC could communicate easily with town businesses.

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

Carey Duques noted that the Committee had not been established but was a standing item for future meetings.

8. **Staff Reports**

- Town Planner John Guskowski discussed Overlay Zones and the purpose for allowing for flexibility in development and redevelopment of properties within certain areas of Town. This concept was developed by the Planning Commission as part of the 2015 Plan of Conservation & Development to encourage a focused development approach in the five “nodes” of Essex Village, Centerbrook Village, Ivoryton Village, Bokum Corner, and the Route 9 Gateway area. The proposed Regulations, developed in 2018-19 by the Planning Commission and submitted to the Zoning Commission, envision a two-step process for property redevelopment with the subject area applying for a master plan-based zoning map change and then a Special Exception for the particular end-use. The concept can also be known as a Floating Zone or a Special Development District. The Planning Commission developed proposed regulations for Ivoryton, Bokum, and Route 9, and the Commission discussed the proposed area and regulations of the latter of these.

Tom Carroll asked about the importance of this concept relative to other vacant properties. John Guskowski stated that this was not the only focus and the proposed overlay was enabling, and a potential developer tool. Jane Siris stated that this dovetailed well into the Regional Plan and raised the question that we should envision some

changes into the future that would allow for a wider diversity of activities. She suggested there was room for improvement and encouragement of healthy development. She had some text suggestions as well and reinforced the importance of affordable housing opportunities in Essex. Tom Carroll noted that the existing level of development and overall character of Essex did not require, in his view, a significant regulatory change. Erin Borruso discussed the pro-active approach of the regulation and how it could enable a private developer to create a solution that was supported by the market and was in harmony with the community context.

Chairman Smith asked if all five overlay nodes could be considered together. John Guskowski stated that a full proposal could be prepared within a few months. Ralph Monaco discussed the process that the Village of Ivoryton conducted last decade about flexible redevelopment in that Village that would encourage more vibrancy, and how this grew into the wider “node” discussion. He suggested that these areas could be useful to encourage developers. Chairman Smith asked whether the Commissioners were supportive of proceeding and determined that he had a consensus to request John Guskowski to update the proposed regulation for Route 9 and come back with a formal amendment proposal for the Commission’s review at the May meeting.

John Guskowski also discussed the Commissioner training survey and how the highest-ranking training topics included the statutory basis for zoning regulations, how the PoCD relates to zoning regulations, and the differences between administrative permits, site plans, and special exceptions. Carey Duques and Larry Shipman volunteered to work with John to develop a presentation covering those topics for a future PZC meeting. There was also a general discussion about proposed statutory requirements for Commissioner training.

- Land Use Official Carey Duques presented on several topics:

Discussion regarding possible text amendment regarding fences, setbacks for accessory structures, permitted uses in Village Residence District. She had some draft changes for discussion purposes to make it clear that fences below six feet were not structures and thus not requiring of permitting. The Commission discussed the current regulations

Motion to proceed with drafting of proposed Section 121 text changes by Chairman Russ Smith, seconded by Mark Reeves. Ralph Monaco stated that some process should be in place to encourage property owners to give consideration to property lines and regulations before proceeding with fence installation. **Motion failed, 3-4, with Jane Siris, Tom Carroll, Ralph Monaco, and Jeff Lovelace in opposition.**

Carey Duques then presented the regulations for rear and side-yard setbacks of small accessory structures, and how while rear yard setbacks were reduced currently for small structures, side yard setbacks were not. She recommended reconciling this with a text change. The Commission discussed the matter, as well as the potential regulatory clarification of setbacks for flag lots.

Motion to proceed with drafting of proposed Section 40 text changes by Chairman Russ Smith, seconded by Erin Borruso. Motion carried unanimously.

Carey Duques then discussed the difference in regulation between public schools and private schools, and which category music schools would fall into. The Commission discussed the matter and provided guidance on level of review for different school uses.

Finally, Carey Duques discussed potential Gateway Standards seeking input on lighting standards to be incorporated into Zoning Regulations. She asked if the Commission was interested in providing guidance on standards, including full cut-off lighting and dark skies along the River corridor. Jeff Lovelace and Jane Siris expressed support for higher lighting standards in regulations.

9. Correspondence and Invoices

None.

10. Adjournment

Motion to adjourn by Jane Siris, seconded by Jeff Lovelace. Motion carried unanimously. Meeting was adjourned at 8:36 p.m.

Respectfully submitted,


John Guskowski
Consulting Town Planner

Received For Record
Gyenne M. Rozia
04/08, 2021
Assist. Town Clerk, Essex, CT
@ 2:10 P.M.