



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING

Tuesday, May 2, 2023 7PM

Meeting was hybrid: held both in person and via zoom.
In person meeting held at Essex Town Hall in Conference Room A.

DRAFT MINUTES

1. Call to Order and Seating of Members

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

2. Approval of the Minutes

- April 4, 2023 Regular Meeting

Motion to approve the minutes by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

3. Public Hearings

There were no public hearings.

4. Unfinished Business/Action Items

There was no unfinished business or action items.

5. Receipt of New Applications

- **PZC Application 23-04 Subdivision** proposal for a three-lot subdivision at **63 South Main Essex** with associated driveways, utilities including septic systems and connection to public water. *Applicant: 63 South Main Realty Owner: Essex House LLC*

Attorney Ed Cassella presented for the applicants, 63 South Main Realty. He described this as the former Essex Spa property, and the new owner is proposing to eliminate all of the existing commercial structures on the site, subdivide the land, and build three new single-family houses. The property has received variances from the Zoning Board of Appeals that allows lots that are somewhat smaller and narrower than the Regulations otherwise allow. The subdivided lots would then be conforming with zoning. There will be three building lots of approximately 40,000 square feet. No public improvements are necessary. This property has not been previously split since at least 1945, making this a first subdivision of the land. An open-space set-aside is not feasible on this property, so Attorney Cassella proposed to offer a fee in lieu of open space. The property is currently valued at approximately \$1 million, so the fee would be a

maximum of approximately \$100,000. The Gateway Conservation Commission had no issues with the proposed subdivision. The Health Department is still finalizing reviews on this matter.

Robert Day asked about the subdivision review process and Carey Duques discussed the difference between subdivision and resubdivision, as well as the unique variances granted on this application. Robert Day asked about neighborhood input. Keith Crehan, developer, said that there was general support. Ed Cassella stated that the variance procedure included a public hearing with neighbor input, which was generally supportive. Mark Reeves and David Rosengren discussed subdivision review procedure. Peter Fleischer asked about the small inlet of the cove or the drainage tributaries and whether the septic system and drainage were appropriate. He thought that the Health Department input was critical. Ed Cassella shared a map of the property relative to the inlet of South Cove. Jane Siris asked whether the developer considered a single curb cut onto South Main Street. Ed Cassella stated that the proposed density was very consistent with the current development pattern, and the frontage allowed for the proposed layout, which includes two driveways. The Commission and applicant discussed driveway locations and distribution. Jane Siris asked for consideration of a revised driveway plan.

Motion to receive the application and schedule a public hearing for June 6 meeting by Mark Reeves, seconded by Gary Riggio. Motion carried unanimously.

6. New Business

Motion to receive a new application for proposed Zone Change at 45 Main Street in Ivoryton from VR to RMU and schedule a public hearing for June 6 by Mark Reeves, seconded by Robert Day.

The Commission discussed the statutory time clock and the scheduling of application review and public hearings. **Motion carried unanimously.**

7. Appointments/Reports from Committees and Officers

- Lower CT River Valley Council of Governments Regional Planning Committee

Carey Duques stated that a meeting of the Regional Housing Committee had been scheduled, and David Rosengren and Carey Duques would be participating on behalf of Essex. David Rosengren stated that the meeting would be taking place via zoom on May 16th.

- Economic Development Commission

Robert Day reported that the owner of the Witch Hazel property had passed away last year and the recent auction was an action to settle her estate.

- Plan of Conservation and Development

Discussion about Traffic Study and Development Plan Update: Carey Duques stated that she and John Guskowski were working with RiverCOG staff to identify transportation funds for corridor studies, which may be available next year.

8. Staff Reports

- Town Planning Consultant: John Guskowski stated that he was still awaiting word on several grant applications, including the River Road bridge and the Westbrook Road sidewalks. He was working with the Harbor Management Commission on finalizing the Harbor Management Plan and receiving comments from the DEEP.

- Land Use Official: Carey Duques reported on several issues.

- o Essex Glen Update – a tentative deadline of June 15 was established at the April PZC meeting for improvements to be completed. She visited the site with the Highway

Foreman and Town Engineer to assess the condition of the road. Bob Doane sent a letter dated May 1, 2023 concerning the remaining punch-list items. Representatives from the property developer were in attendance and stated that they just received the latest punch-list items today and did not have a specific timeline. Carey Duques also discussed a site visit with the landscape contractor about some of the improvements that needed to take place. Attorney Lomme stated that the developers were still planning to have all improvements completed by the June 15 deadline. Developer Ed Hoberman reviewed a number of items of progress that have been accomplished recently. Developer Tammy Levine reassured the Commission about the commitment of the development team on completing all of the project improvements. The Commission and developers discussed progress and timelines. Chair Siris stated that a meeting of the developer, town, and neighbors should be held to sit down and settle the issues. Robert Day stated that the Commission simply wanted a letter from the Town Engineer at the proposed deadline saying that the improvements are done and to release the bond or to things are not done and to call the bond. Carey Duques will report back to the Commission at their next meeting on June 6th.

- Carey Duques also discussed a prior subdivision of land along River Road, called “Architects Hill” that was approved in 1985, including a small section of open space of 1.93 acres to be conveyed to the homeowners’ association. It had not been deeded to a homeowners’ association. In 2003, that open space was sold from the original developer to one of the abutting property owners. The homeowners’ association asked the Town whether that land, which also contains the community mailboxes, can be conveyed and how it must be maintained. Attorney Royston stated that the land needs to be maintained as open space in perpetuity, regardless of ownership. Attorney Shipman questioned whether the developer should have had the ability to sell the land to an abutter. The Commission discussed the matter. Attorney Royston stated that the property owners should be notified and confirm that the open space is in perpetuity. Robert Day asked that Attorney Shipman confirm whether the property could have been transferred legally and therefore whose responsibility it is to maintain. He will look into the matter in more detail.
- Short Term Rentals: Carey Duques stated that there is a draft of the Short-Term Rental ordinance and the Board of Selectmen would be scheduling a public hearing on the ordinance. Robert Day asked Carey Duques to inform the Commission of the public hearing date.

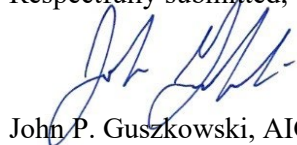
9. Correspondence – There was no additional correspondence.

10. Adjournment

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

Meeting adjourned at 8:09 p.m.

Respectfully submitted,



John P. Guskowski, AICP, CZEO
Town Planner (Consulting)