



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING -
Tuesday, May 3, 2022 7PM

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:00 p.m. In attendance at the meeting were Regular Members Jane Siris, Robert Day, and Chris Riley. Seated for a Gary Riggio was Alternate Jeff Lovelace. Seated for Mark Reeves was Alternate Tom Carroll. Also in attendance were Alternate David Rosengren (arrived at 7:06), Attorney Larry Shipman, Land Use Official Carey Duques, and Consulting Planner John Guskowski.

2. Approval of the Minutes

- April 5, 2022 Regular Meeting

Motion to approve the minutes of April 5, 2022 by Chris Riley, seconded by Jane Siris. Motion carried unanimously.

3. Public Hearings

- **PZC Application 22-04 Special Exception** under Section 101J of the Essex Zoning Regulations proposing demolition of the existing single-family residence and replacement with new single-family residence exceeding 4,000 sq ft at **11 Clark Lane** (Map 17 Lot 12). *Applicant: Brooke Girty, Architect; Owner: Douglas and Sharon Chan*

Applicant Brooke Girty presented the proposal, which included demolition of an existing house at 11 Clark Lane, which was pre-existing nonconforming by reason of setback and height. The new structure proposes to move back nearly 40' away from front setbacks and side setbacks. The existing structure exceeds the maximum height by nine feet, and the proposed house still proposes to exceed the maximum height, but by only four feet. This height is required to access the basement. The project has received a variance for the height exceedance as well as approval from the Gateway Commission. The project also includes a pool and extensive landscaping. Engineer Chuck Mandel from Thomas Stevens & Associates described the stormwater management techniques, including a proposed rain garden. The noncompliant existing cesspool is being replaced by a code-compliant septic system.

The Commission asked questions about view and height calculations. Carey Duques reviewed the approval by the Gateway Commission, which approved of the design and project color. There were no public comments on the application.

Motion to close the public hearing by Robert Day, seconded by Chris Riley. Motion carried unanimously.

- **PZC Application 22-07 Special Exception** under Section 80 of the Essex Zoning Regulations proposing a barber shop to occupy approx. 1,500 sq ft at **45 Plains Road** (Map 45 Lot 26)
Applicant: Meagan Foley; Owner: Ken Bombaci

Applicant Meagan Foley presented the proposal, which would relocate an existing “dry” barbershop to 45 Plains Road. Carey Duques confirmed a conversation with the Town Sanitarians that would allow a single “wet” chair for hair washing, but beyond that it would require additional soil testing. There was no comment from the public or the Commission.

Motion to close public hearing by Tom Carroll, seconded by Chris Riley. Motion carried unanimously.

4. Unfinished Business/Action Items

- **PZC Application 22-04 Special Exception** under Section 101J of the Essex Zoning Regulations proposing demolition of the existing single-family residence and replacement with new single-family residence exceeding 4,000 sq ft at **11 Clark Lane** (Map 17 Lot 12). *Applicant: Brooke Girty, Architect; Owner: Douglas and Sharon Chan*

Tom Carroll clarified that the height was non-compliant, and John Guszowski stated that a variance was granted. David Rosengren clarified the variance/ZBA process, and Carey Duques explained the procedure, as well as the decision-making process of the ZBA.

Motion to approve application 22-04 by Robert Day, finding it consistent with the Regulations and Plan of Conservation & Development, seconded by Chris Riley. Motion carried 5-1, with Tom Carroll in opposition.

- **PZC Application 22-07 Special Exception** under Section 80 of the Essex Zoning Regulations proposing a barber shop to occupy approx. 1,500 sq ft at **45 Plains Road** (Map 45 Lot 26)
Applicant: Meagan Foley; Owner: Ken Bombaci

Motion to approve application 22-07 by Jane Siris, finding it consistent with the Regulations and Plan of Conservation & Development, seconded by Robert Day. Motion carried unanimously.

5. Receipt of New Applications

- Application for Special Exception for change of use from retail space to office space at 6 Ferry Street. Applicant: Allee Architecture & Design.

Motion to receive application and schedule public hearing for June 2022 PZC meeting by Chairman Smith, seconded by Jane Siris. Motion carried unanimously.

- Application for Text Amendment to Zoning Regulations, Section 90.A.1 (u) to allow for continuation and expansion of pre-existing waste collection and container storage facility.
Applicant: All-Waste

Motion to receive application and schedule public hearing for June 2022 PZC meeting by Chairman Smith, seconded by Jane Siris. Motion carried unanimously.

6. New Business

- Copper Beech Inn, 46 Main Street, Ivoryton- informal discussion re: Inn/Restaurant use

Attorney Ed Casella represented the owners of the Copper Beech Inn at 46 Main Street in Ivoryton, containing nearly 7 acres. The current use is a 22-room inn and restaurant in a Village Residential District spread over multiple buildings. The Inn is interested in constructing a larger conference/banquet facility, to be attached to the main building, to host event similar to Saybrook Point or Water's Edge. Because of the nonconforming use, expansion is not currently allowed. Previous expansion of facilities like this have frequently been accomplished by variances, but this is not the desired approach going forward. Attorney Casella suggested that some revised language could be put into place that would allow for appropriate expansion of this sort of use, perhaps based on examples from Old Saybrook, Westbrook, or Deep River. He would suggest working in coordination with Carey Duques, Larry Shipman, and John Guskowski.

Jane Siris asked about how large the proposed banquet hall would be, and Attorney Casella stated that approximately 200 person capacity would be the target. In response to questions from Attorney Shipman, Attorney Cassella stated that no additional guest rooms were envisioned, and any septic expansion would be proposed to accommodate meeting space. Robert Day stated that a zoning revision would be more complicated than in similar circumstances in Old Saybrook and Westbrook because the location of the Copper Beech is more isolated. Jane Siris stated that the architecture of attaching a large hall to the existing building was undesirable, and while no design standards exist in the Regulations, the scale and design should be carefully considered to limit impact on neighboring properties. David Rosengren stated that the relatively small and discreet scale of the current Copper Beech Inn raises concerns about a major expansion. Carey Duques returned to the central question of whether the Commission would consider a regulatory adjustment might be possible. Jane Siris stated that she thought the proposed expansion would be out of scale with the residential neighborhood. Robert Day stated that neighborhood concerns would weigh heavily on the Commission. The Commission discussed the process. Tom Carroll discussed the "one-off" nature of these projects, and Carey Duques, John Guskowski and Larry Shipman discussed the Special Exception process and the narrow definition of eligibility. Attorney Cassella reiterated that the process would take place over two applications – one for a text change and one for a Special Exception. He thanked the Commission for their input.

7. Appointments/Reports from Committees and Officers

- Lower CT River Valley Council of Governments Regional Planning Committee

Carey Duques stated that she attended the Regional Planning Commission meeting in April, at which they primarily discussed the different municipal approaches to cannabis regulation.

- o Regional Housing Plan - Consulting Planner John Guskowski reviewed the proposed draft Affordable Housing Plan update that was prepared as part of the Regional Housing Plan. The layout is based on a regional template. The housing and demographic information was updated from the 2019 Plan, but many of the goals were carried forward. Several new goals, relative to regulatory updates, have been added, as well as the proposed formation of an inter-town Housing Committee. He reviewed the process and stated that PZC or the Board of Selectmen could be the adopting body.

Motion to refer the draft Affordable Housing Plan to the Board of Selectmen for review and adoption by Robert Day, seconded by Tom Carroll. The Commission discussed the role of the Selectmen and how Commission comments could be incorporated. **Motion carried unanimously, with Jeff Lovelace abstaining.**

- Economic Development Commission
Robert Day stated that the EDC was drafting a letter directed to employees of Main Street businesses, requesting that they avoid parking on public parking areas in order to allow more parking for visitors and tourists. The EDC also discussed the potential of expanding pedestrian access via sidewalks down Ferry Street.

Plan of Conservation and Development - No update.

- Cannabis Subcommittee
Carey Duques stated that the Subcommittee met and prepared a report. David Rosengren stated that the Subcommittee could not come to a consensus on appropriate directions for proposal. Attorney Larry Shipman drafted three separate proposals, one each for outright prohibition, medical marijuana only, and both medical and recreational sales. In either of the latter two cases, sales would be limited to Business and Commercial Districts. The Subcommittee was opposed to a micro-cultivator license. Carey Duques stated that the moratorium was in effect until the end of 2022 to adopt regulations. The Commission discussed the options and procedures. The Commission will place this discussion on the June agenda.

8. Staff Reports

- Town Planning Consultant
John Guskowski stated that the Harbor Management Plan draft had been completed and it was going out to DEEP and Army Corps of Engineers for comment. He also stated that he had submitted another grant through NFWF for the restoration of Thatchbed Island and was working with the Selectman's office on bridge and sidewalk projects. Finally, he met with UConn, along with Carey Duques and Public Health Director Lisa Fasulo about an update to the Town's Natural Hazards Mitigation Plan.
- Land Use Official
 - o Essex Glen Update – Carey Duques stated that the developers have been going through the final punch list of improvements, including adding a catch basin, rip-rap, curbing, and hydroseeding. They are moving forward on paving the final road course. More updates will be pending, with a target of paving before the bond expires in October. A member of the Essex Glen Association provided additional information on progress.

9. Correspondence

There was no correspondence.

10. Adjournment

Motion to adjourn by Robert Day, seconded by Jeff Lovelace. Motion carried unanimously.

Meeting adjourned at 8:45 p.m.

Respectfully Submitted,
John P. Guskowski, AICP
Consulting Planner

Received For Record

Gronne M. Rozial

05/04, 2022

Assist. Town Clerk, Essex, CT @

10:30
A.M. 4