



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING
Tuesday, June 6, 2023 7PM

DRAFT MINUTES

1. Call to Order and Seating of Members

In Russ Smith's absence, Vice Chair Jane Siris called the meeting to order at 7:01 p.m. Seated for the meeting were Members Mark Reeves, Gary Riggio, Peter Fleischer, and Chris Riley. Seated for Russ Smith was Alternate Jeff Lovelace. Seated for Robert Day was Alternate David Rosengren. Also in attendance were Land Use Official Carey Duques, Commission Counsel Larry Shipman, and Town Planner John Guskowski.

2. Approval of the Minutes

- May 2, 2023 Regular Meeting

Motion to approve the minutes of May 2, 2023 Meeting by Mark Reeves, seconded by Gary Riggio. Motion carried unanimously.

3. Public Hearings

- **PZC Application 23-04 Subdivision** proposal for a three-lot subdivision at **63 South Main St, 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 represented the applicants for 63 South Main Realty. He noted that the property was just over 121,000 square feet and used to house the Essex Spa. There is still a large commercial building, a three-unit apartment building, a small free-standing residential unit, and an outbuilding. The proposal is to remove all existing structures from the property, subdivide the land, and build three new residential lots. The property obtained several variances from the Zoning Board of Appeals to achieve regulatory compliance for lot size and dimensions. The variances were granted in part to reduce existing nonconformities and development inconsistencies in the neighborhood. He stated that, with the variances, the subdivision proposal met all of the subdivision regulations. The plan has been modified to include only one curb-cut and all three new lots will come off a common driveway, which will be enabled by cross-easements. He also discussed the fee in lieu of open space benchmark, based on the appraised value of the land of \$525,800.

Chris Riley asked about how long the land has been idle for, and noted that the residential uses would likely generate more property taxes than current uses. He also discussed the investment that the proposed developer was making on this property. Vice Chair Siris and Carey Duques clarified what items were remaining for the Commission to review, following the variances. Carey Duques also noted some of the conditions of the variances, which included health department approval, planning and zoning commission approval and some landscape plantings.

John Guskowski clarified the difference between a zoning review and this current planning/subdivision review.

The Commission discussed the statutory allowance for a fee in lieu. Mark Reeves asked whether the project would have been possible with a two-lot subdivision without variances, and the applicants discussed some of the configuration may have required some subdivision. The Commission discussed the zoning of the property, which is RU, but largely surrounded by the VR district. Attorney Cassella clarified the administrative process of the subdivision regulations relative to the lot size approvals from the Zoning Board of Appeals. David Rosengren asked about zoning compliance on the varied regulations and the still-applicable regulations, including lot coverage, leading to a general Commission discussion. The Health Department has approved the project feasibility. Vice Chair Siris asked for clarification of the existing building and lot coverage and the future design coverages.

John Guskowski clarified that the Health Department approval was for septic feasibility, not final design at this time. He further noted that the Commission had the right to require on-site open space which could in theory complicate the lot-size question, but in his opinion, a fee in lieu on a property this small and in a fully settled neighborhood was more appropriate. Vice Chair Siris opened the meeting up to the public for comment.

Carol Harper of 65 Main Street Ivoryton discussed the matter of open space versus fee in lieu, and suggested that more trees and landscaping on-site would be welcome in that neighborhood. She suggested that smaller houses would allow for more landscaping. Dana McFadden replied to this comment, noting that her house was extremely close to the subject property and has struggled with current-use tenants so close to her house. She was very pleased with the idea of three individual new house lots, and the property itself was quite obscured from most of the neighborhood. She was very supportive of the proposal. Keith Krehan stated that the property would be well vegetated to provide privacy for the lot owners and the neighbors. Ed Cassella stated that with a maximum coverage of 15%, the properties would be 85% undeveloped. Michael Ferguson from Mack Lane stated that he has a very small lot, and through the ZBA process, came to appreciate and support the concept of three residential lots on the property. Maria Dominguez of 65 Main Street Ivoryton asked about the ultimate ownership of the four- and six-bedroom homes. She was concerned about the end users. The applicants stated that while ownership structure was not going to be regulated, he stated that there would be deed restrictions placed. Carol Harper asked about environmental remediation of the demolition materials. Keith Krehan stated that this would be professionally managed. Carol Harper asked about the state of the Connecticut landfills, and the applicant stated that they would follow the applicable regulations. Stephanie Kihm of 67 Main Street Ivoryton asked about the single family nature of the properties. Cary Duques stated that she received a letter of support from the Greenbergs, who are neighbors. Donald Hynes of 65 Main Street Ivoryton stated that he was against the proposal and asked about the tax structure of the property. Keith Krehan stated that he had no relationship with the property seller.

Motion to close the public hearing by Jeff Lovelace, seconded by David Rosengren. Motion carried unanimously.

- **PZC Application 23-05 Proposed Zone Change** under Section 123 of the Essex Zoning Regulations to change the zoning of 45 Main Street Ivoryton from Village Residence (VR) to Rural Multifamily (RUM) *Applicant: Ivoryton House, LLC.*

Vice Chair Siris stated that she was informed that some of the neighbors were not properly notified for this meeting and suggested that the hearing should be continued to allow for fuller proper notification and neighbor attendance.

Motion to continue the public hearing to the next regular meeting for purposes of making sure that proper notification was provided, by Mark Reeves, seconded by Gary Riggio. Motion carried unanimously.

4. Unfinished Business/Action Items

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

Mark Reeves stated that he believed that in general, it was not necessarily good practice to decide a complicated matter immediately after closing a public hearing. Chris Riley spoke against unnecessary delays which could be costly. Larry Shipman stated that after the close of the public hearing, the Commission had statutory time to decide, which is useful in a controversial issue or while awaiting final information. That may not be the case with this application, and the Commission can decide which way they wish to go. Vice Chair Siris stated that there were likely no remaining design matters to be decided or discussed if the matter were delayed until the next Commission meeting. David Rosengren asked about agenda procedures, and Larry Shipman clarified that the only matter left to decide was the fee in lieu of open space.

Chris Riley stated that he believed that the investment being made should warrant a reduction in the open space fee. The Commission discussed the purpose of the open space fund. John Guskowski discussed the purpose and targets of an open space acquisition fund. Peter Fleischer stated that the proposed 10% fee in lieu was reasonable and non-punitive based on the real future value of the project. Vice Chair Siris stated that she appreciated periodic benches along the public way and suggested that a pedestrian amenity would be valued. Gary Riggio stated that he was initially disappointed by the ZBA decision and had come to decide that while he thought the three lots was too much, he believed it would be a good project. Vice Chair Siris stated that she supported this project.

Motion to approve the subdivision with an open space fee of 10% of the appraised value in lieu of requiring open space on site by Mark Reeves, seconded by Peter Fleischer. David Rosengren stated that he agreed with Peter Fleischer that the fee in lieu is not a penalty, but is a trade-off for density. Chris Riley stated that he thought the amount was too high but did not believe it was a burden. **Motion carried unanimously.**

5. Receipt of New Applications

There were no new applications.

6. New Business

Attorney Terry Lomme addressed the Commission on the need for a change to the Zoning Regulations relative to coverage and setbacks in the Essex Village and Village Residential Zones. There are numerous places in the Village area along Main Street where the substantial setbacks

and limited coverage create development challenges. The vast majority of the existing lots are nonconforming for coverages and setbacks. He would suggest that the nonconforming lots could be given 15% coverage not to exceed 3000 square feet in exchange for smaller side and rear setbacks. Vice Chair Siris stated that this is a complicated issue and a concern, and suggested that an ad-hoc committee could look at this question. The Commission discussed the regulatory history and why different lot sizes and coverages were settled. Terry Lomme stated that most of the reasons for the current regulatory environment had changed, and the smaller lots needed some more flexibility. Peter Fleischer stated that an analysis by a committee would be useful. Vice Chair Siris established the ad-hoc committee including Peter Fleischer, Jane Siris, Terry Lomme, David Rosengren, and Carey Duques to address this question.

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

- Lower CT River Valley Council of Governments Regional Planning Committee
 - o Regional Housing Committee – Carey Duques stated that the Comprehensive Economic Development Strategy (CEDS) was approved by the State with no changes, and she and David Rosengren would be participating in the Regional Housing Committee meetings.
- Economic Development Commission – Robert Day was absent and had no report.
- Plan of Conservation and Development – No report.

8. **Staff Reports**

- Town Planning Consultant: John Guskowski reported that he was working with the Harbor Management Commission and the CT-DEEP to wrap up the Harbor Management Plan. He also reported that the congressionally-directed spending request for sidewalk funding for Westbrook Road had been advanced to the full congressional committee for consideration.
- Land Use Official: Land Use Official Carey Duques reported on several items:
 - o **Essex Glen Update** – a site visit was made on May 18 by Carey Duques and Bob Doane. Bob Doane's report was included in a letter to the Commission. The June 15 deadline for work completion will be missed. Communication between the Commission and developer's attorneys, and Attorney Royston suggested an extension of the deadline. Vice Chair Siris stated that she believed if the project was not completed in October that the bond should be pulled.

Motion to extend the landscaping work completion deadline until the October Planning & Zoning meeting and continue to have a progress report at the next Planning & Zoning meeting, noting that non-landscaping work could be completed in advance, and to have an executive session at the next meeting by Mark Reeves, seconded by Jeff Lovelace.

Jim Vineburgh of the HOA board of directors stated that while he had not reviewed Bob Doane's letter, some of the elements of the extension made sense for planting purposes, but other improvements like the island, shouldn't be delayed. The bonding funds would be necessary to complete the work. Bob Doane stated that the island could be completed as soon as the details were reviewed.

Motion carried unanimously.

- o **Short Term Rentals**- This matter is before the Board of Selectmen.
- o **Update on Homefield** – There was some question about what Homefield would be hosting at 83 Westbrook Road relative to their recent approvals, and Carey Duques stated that she reached out to them and would be monitoring the matter.

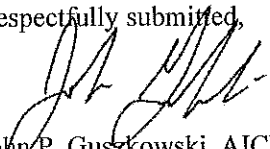
9. **Correspondence**

There was no correspondence.

10. **Adjournment**

Motion to adjourn by Jeff Lovelace, seconded by Mark Reeves. Motion carried unanimously. Meeting adjourned at 8:33 p.m.

Respectfully submitted,


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

Received For Record

Yvonne M. Roziak

06/07, 2023

Assist. Town Clerk, Essex, CT

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12:55
P.M.