



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING
Tuesday, June 27, 2023 7PM

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:03 p.m. Seated for the meeting were Members Robert Day, Mark Reeves, and Gary Riggio. Seated for Jane Siris was Alternate David Rosengren. Also in attendance were Land Use Official Carey Duques, Commission Counsels Larry Shipman, David Royston and Town Planner John Guskowski. Member Peter Fleischer joined via Zoom at approximately 7:10 p.m.

2. Approval of the Minutes

- June 6, 2023 Regular Meeting

Motion to approve minutes of June 6, 2023 by Gary Riggio, seconded by David Rosengren. Motion carried unanimously.

3. Public Hearings

- **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.*

Attorney Terry Lomme represented the applicant. This application would change a 1.25 acre piece of property currently located in the Village Residence Zone to be included in the Rural Multifamily Zone. He presented the current zoning map in context of the subject property. The property immediately adjacent to the subject property has been converted to a wellness center, which is allowed in the RUM district but not in the VR district. The applicant wishes to convert the subject property to a similar wellness center that would allow for an expansion of services. There is a significant geographic feature, a sort of ravine, that separates the subject property from the adjacent residential properties to the east. He emphasized that there would be a follow-up application for the proposed Special Exception use to expand the wellness center. Chairman Smith asked whether the Commission had any questions, and clarified that the existing VR zone allowed doctor's offices and rehab clinics, but not including wellness centers. David Rosengren asked how expanding the services would not expand the clientele, and Attorney Lomme stated that it was membership driven and the services were expanding and the current wellness center parking lot would accommodate. Mark Reeves discussed the existing garage and asked about details. Attorney Lomme stated that would be presented during the Special Exception hearing. The existing use is residential, largely for use of the owners of the existing wellness center. Carey Duques noted that with a zone change, the full range of allowable uses in the RUM district should also be considered. The two significant new uses in RUM that are not available in the VR district are wellness center and multifamily. Attorney Shipman clarified the two-step process for review with the Commission. Attorney Lomme reviewed the reasoning for the zone change. Carey Duques reminded the Commission that RUM would limit a multifamily development on this property would be limited to four dwelling units per the Regulations.

John Guskowski reviewed the two-step process of changing the map and reviewing future end uses, encouraging the Commission to focus on the map change only. Chairman Smith invited input from the public. John Kihm who is an abutter, asked why an existing single-family house should be converted into a multifamily. He did not think more people should be added to a single-family building and whether the building and site were capable of supporting more people from a public safety standpoint. Attorney Lomme stated that there was no intention to turn the building into a multifamily, and that nobody would be living in the new facility. Carey Duques reiterated the specifics of a Special Exception process. Stephanie Kihm wondered why these questions were not appropriate now. Attorney Shipman stated that the Commission needed to consider the full universe of potential uses that would be permitted in the RUM zone. Chairman Smith asked whether the current use of the land was conforming, and Carey Duques stated that she believed it was a residential use in a residential zone. John Gatti asked about the sufficiency of properties in the RUM district, and stated that the convenience of the applicant is not the most important factor. He stated that this was a slippery slope. He stated that the existing RUM district was sufficient to meet the Town's needs. Stephanie Jamieson stated that while there is significant RUM-zoned land to the rear, there is currently only one RUM property on Main Street. She asked for clarification on what a "wellness center" was. Attorney Lomme stated that the Zoning Regulations didn't include a definition of a wellness center but described the services provided by Prive Swiss and those details would be managed in the Special Exception.

Chairman Smith asked a question provided by Jane Siris in writing, asking why the existing Prive Swiss facilities were not sufficient to handle their existing clients. Attorney Lomme stated that the relatively small geographic size of the subject property would not create a condition that changed the fundamental character of the neighborhood, and reiterated that the Special Exception process would cover those questions. Mark Reeves asked whether the current Special Exception uses in the VR zone would cover the desired uses. Attorney Lomme stated that he didn't believe that the currently allowed uses such as doctor's offices or rehab facilities were the best fits. Mark Reeves posited a future condition about combined parcels with additional multifamily properties.

John Kihm stated that allowing something like this would create a rolling effect of properties adjacent being converted into multifamily properties along Main Street. Donald Hynes stated that he lived in River's Edge behind the subject property, and said that he saw people coming and going at various hours. Attorney Lomme stated that the subject property is currently residential, and would likely cease being residential. David Rosengren asked about the purpose behind the request. John Guskowski stated that the two key factors that the Commission should consider is the universe of potentially new uses in the zone, and the guidance of the Plan of Conservation and Development. He stated that his recollection was that along the Main Street corridors in between village development nodes, the PoCD encouraged an active streetscape with a variety of both residential and nonresidential uses. Carey Duques stated that perhaps the meeting could be continued until the Commission could more fully consult the PoCD. John Kihm and Stephanie Jamieson both stated they were in opposition. Jane Syme from River's Edge wished to keep the beauty and the character of Ivoryton Village be preserved, and therefore was in opposition. Several other residents concurred with Jane Syme's testimony. John Gatti reiterated his opposition. Attorney Lomme stated that he could submit a Special Exception application for both zones so the Commission could see the intent. Robert Day noted that, per the PoCD, this property was outside the Ivoryton Village development node. David Rosengren stated that he didn't necessarily see a reason within the PoCD to consider this use. Attorney Lomme restated the purpose of the Main Street corridor, and that this wasn't an isolated use. Peter Fleischer stated that he was generally in favor of multifamily to be placed where it has been identified, but did not favor "back door" changes. John Guskowski quoted the PoCD relative to increased activity along key corridors in between hubs, and how much of the recommended actions of the PoCD were not implemented yet. Stephanie Kim asked about how expanding Prive Swiss helped the

beauty and protection of the Town. Mark Reeves asked whether there was more information that needed to come in that would require continuance.

Motion to close the public hearing by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

4. **Unfinished Business/Action Items**

- **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.*

Motion to deny the application PZC Application 23-05 because the current zoning regulations applying to the subject property allows for the desired use and that the streetscape along Main Street is appropriate to the neighborhood, and is not consistent with the Plan of Conservation & Development by Mark Reeves, seconded by David Rosengren. Motion carried unanimously.

5. **Receipt of New Applications**

- **PZC Application 23-06 Special Exception** under Section 101E.1 of the Essex Zoning Regulations for a wood ramp 4' X 50' within 100 feet of the Coastal Jurisdiction Line connecting to a dock at 1 Teal Lane Essex. *Applicant/Owner: Carter and Carla Gowrie*

Motion to receive application and schedule hearing for the August PZC meeting by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

- **PZC Application 23-07 Proposed Text Amendment** under Section 123 of the Essex Zoning Regulations to change the text of the Zoning Regulations to add a new Section 61A.2(G) to permit Multiple Dwelling Projects in the Rural Residence District *Applicant: Greylock Property Group, LLC.*

Motion to receive application and schedule hearing for the August PZC meeting by Mark Reeves, seconded by Gary Riggio. Motion carried unanimously.

6. **New Business**

- **Release of Foxboro Point Subdivision Bond and Needleman Bond:** Carey Duques requested that this discussion point be continued until she could confer with Bob Doane.

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

- Lower CT River Valley Council of Governments Regional Planning Committee
 - o **Regional Housing Committee:** David Rosengren and John Guskowski attended the second RHC meeting, and David Rosengren noted that they proposed a regional housing information hub that reviewed properties, home sales, demographics, etc. There was also a presentation on accessory apartments.

- Carey Duques also stated that Commissioner training requirements were changed for practicing attorneys and zoning officers, but training requirements were still in place for December.
- Economic Development Commission: Robert Day did not have a report.
- Plan of Conservation and Development: John Guskowski suggested that Commissioners ensure they have and have read a copy of the PoCD, and that perhaps the Commission should begin the process of updating the Plan in 2024.
- VR Zoning Text Amendment Committee: Carey Duques will coordinate with the members of an ad-hoc committee to sit down to discuss potential changes.

8. Staff Reports

- Town Planning Consultant: John Guskowski reported on several grants that required additional documentation for the Commission on Human Rights and Opportunities and a potential grant for elevating Ferry Street and adding a sidewalk.
- Land Use Official
 - Essex Glen Update: Carey Duques stated that there has been some progress on necessary improvements, and, referring to landscape improvements, she requested that the Commission allow for appropriate alternative plantings without requiring a revised application. She also noted some additional improvements, including removal of silt fence per DEEP assent. Attorney Royston stated that some structural reporting for a retaining wall was also still pending. He noted that the only extension approved by the Commission was relative to landscape plantings. The attorneys were largely on the same page about what progress has been made and what was still pending. The bond expires October 30, 2023.

Motion to authorize Carey Duques to review and accept minor changes to planting and landscape details in the field by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

- Short Term Rentals: Carey Duques stated that the public hearing for this item would be held on July 5th. The current draft would require a minimum of consecutive 28 day stay at rental properties.
- Process/procedure for acting on applications: This item was added following the conversation of a prior meeting relative to Commissioner and public confusion about processes. The Commission discussed legal procedures and considerations, as well as prior applications that some members thought may have been approved too rapidly. Peter Fleischer discussed the need for more pro-active planning and encouraged the Commission to prioritize this.

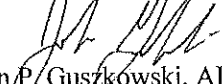
9. Correspondence

There was no additional correspondence.

10. Adjournment

Motion to adjourn by Peter Fleischer, seconded by Robert Day. Motion carried unanimously. The meeting adjourned at 8:49 p.m.

Respectfully submitted,


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

Received For Record

Gronne M. Rozal

06/28, 2023

Assist. Town Clerk, Essex, CT

2:15

P.M.