



ESSEX PLANNING & ZONING COMMISSION

REGULAR MEETING

Tuesday, July 6, 2021

7:00 p.m.

Meeting Held in Person in Meeting Room A of Essex Town Hall and
Via Zoom Video Conference

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Russ Smith called the meeting to order at 7:02 p.m. In attendance for the meeting were Members Mark Reeves, Robert Day, Alternate David Rosengren was seated for Erin Borruso. Alternate Tom Carroll was seated for Gary Riggio. Also in attendance were Land Use Official Carey Duques, Consulting Planner John Guskowski (via videoconference), Town Engineer Bob Doane, and Commission Counsel Larry Shipman. Member Jane Siris arrived at 7:05 p.m.

Carey Duques asked for a motion to add an agenda item for potential consideration of the public hearing matters after the public hearings had been concluded.

2. Approval of Minutes

June 1, 2021 Regular Meeting

**Motion to approve minutes of June 1, 2021 by Robert Day, seconded by Mark Reeves.
Motion carried unanimously.**

3. Public Hearing

- a. **PZC Application 21-3 Text Amendment to the Zoning Regulations Section 40I.2 Accessory Buildings- Essex Planning and Zoning Commission**
proposing text amendment to allow detached accessory structures 15 feet in height

or less to be located not less than 5 feet from a side or rear property line and no less than 10 feet from side and rear lines for parcels deemed rear lots. (*Application received May 4, 2021 continued public hearing on June 1, 2021*)

Carey Duques presented the potential amendment and discussed the intent and revisions that were added at last month's meeting. The Commission discussed other accessory structures such as playscapes and their allowable distances. The definitions did not include definitions of a wider variety of accessory structures beyond "structures" as simply defined. Chairman Smith asked for questions from the public. Attorney Terry Lomme made comments about side and rear line regulations. Carey Duques clarified the intent, which was to correct confusion and inconsistency of interpretation of side vs. rear yard setback intents.

Motion to close public hearing by Mark Reeves, seconded by Jane Siris.
Motion carried unanimously.

- b. **PZC Application 21-5 Text Amendment to the Zoning Regulations Section 45A. Districts Accessory Dwelling Units- Essex Planning and Zoning Commission** proposing text amendment to allow accessory dwelling units in the River Road Residence (RRR) District. (*Application received June 1, 2021*)

Carey Duques noted the oversight of the RRR district when accessory apartment regulations were modified and allowed via site plan where they were currently not allowed. The Commission discussed the differences between attached and detached accessory structures.

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

4. Receipt of New Applications

- a. **Modification to Site Plan at Lofts at Spencer's Corner Zoning Application No. 18-9** - Modification pertains to location of the dumpster, reduction of parking spaces, addition of bollards by the handicapped parking spaces, installation of lamp posts, removal of trees, and addition of sidewalks from parking lot to Building #3.

Chairman Smith asked if the proposed changes could be approved via "minor change" site plan review or if it needed to be a public hearing. Loretta McCluskey from HOPE Partnership represented the application and discussed relocating the dumpster to a better location, taking over some unneeded parking areas. Parking spaces would still be in compliance with regulations. Other changes would include revisions to light fixtures, parking and traffic striping, placement of bollards near handicap spaces, removal of dead or dying trees, and ideally installing some additional internal sidewalks. Jane Siris asked about replacement of trees, to which Ms. McCluskey stated that at least one would be replaced, but mid-traffic-island trees tended to struggle. The outer ring and parking area would be paved along with these improvements. Larry Kluetsch, working with HOPE Partnership stated that signage by the entrances would be reconstructed and updated with proper location wayfinding. Carey Duques asked about the types of lighting that

would be replaced. Ms. McCluskey stated that the lighting would be closer to the existing decorative elements. Jane Siris asked about management of the dumpster area, which will be surrounded by fencing with decorative slats. The Commission discussed the repaving of the outer lot, which will be reclaimed and repaved, in part with the STEAP grant working with the Town. Bob Doane clarified that final striping will take place after final paving.

Motion to consider the proposed changes a “minor modification” and approve the updated site plan with the modification that all three trees to be removed will be replaced by Mark Reeves, seconded by David Rosengren. Motion carried unanimously.

- b. PZC Application 21-6 Text Amendment to Section 60A.3(E) of the Zoning Regulations to allow the keeping of horses in a Village Residence (VR) District with minimum 3 (three) acre land size and maximum number of horses restrictions.** Agent: Thomas Metcalf, P.E. L.S.; Applicant: Mary Cunliffe Lewis and Ian Carr Lewis

Tom Metcalf presented the application, which requires a public hearing for a text amendment. **Motion to receive the application and schedule the public hearing to open for August 3, 2021 meeting by Mark Reeves, seconded by Robert Day.**

5. Old Business

- a. PZC Application 21-4 Coastal Site Plan Review- GEI Consultants on behalf of Essex Boat Works** proposing to remediate contaminated soil at 9 Ferry Street located within the Coastal Boundary. (Continued on June 1, 2021)

Carey Duques clarified that quantities of material needed to be provided, and if more than ½ acre of cumulative disturbance and more than 1000 cubic yards was required, an exception would be needed. Emily Perko from GEI Consultants presented for the applicant and clarified by 1600 cubic yards would be disturbed. She also replied to Commission comments that the overall schedule would be a few months, and best scheduled while boats are on the water and not needing storage. Jane Siris asked about the wisdom of hiring a specialized environmental engineer to review the proposal, and Larry Shipman stated that the Commission had that right. Emily Perko stated that the overall project was being supervised by DEEP from an environmental perspective. Robert Day stated that this was mostly overseen and regulated by the state. Carey Duques stated that the building official would not largely be involved. The Health Department did review the project and recommended that booms be in place to prevent any leakage of spills. Bob Doane had reviewed the application and made recommendations about dewatering. The Commission discussed the weight and number of trucks accessing the site through Essex Village, and potentially limiting the flow of traffic and wear and tear on the roadways. Emily Perko discussed logistics of loading the trucks within the building and limited daily traffic required. Robert Day asked about the mandatory nature of the remediation, and Emily Perko clarified the requirements of the Transfer Act. Robert Day proposed a condition that trucks were only located on the

subject property and not queued up Main Street, Ferry Street or Pratt Street. The Commission discussed traffic impacts and environmental requirements.

Motion to approve Application 21-4 with the condition that activity will take place during weekdays and vehicles are staged on the subject site so they do not create a traffic concern on Town roads by Chairman Smith, seconded by Robert Day. Motion carried unanimously.

- b. **Modification to Subdivision Plan- Planning Commission Application No 2-07- Landmark Interests, LLC, 3 lot subdivision. Property now owned by Essex Glen, LLC.** Modification pertains to the “as-built” drainage in the right-of-way for Essex Glen Road. Removal of condition requiring a sidewalk in lieu of turnaround at the cul de sac at Essex Glen Drive. The modification is to be provided to Robert Doane, designated Agent for the Planning Commission (now the P&Z) for his recommendation to the Commission. *(Continued on March 2, April 6, May 4 and June 1, 2021*

Chairman Smith stated that the removal of the sidewalk from the Site Plan by the Zoning Commission was procedurally problematic but represented a defensible argument for eliminating them. Attorney Terry Lomme represented the applicant and stated that easements for the monumentation, for the road, for sight lines, and for open space have all been filed. He stated that an on-site meeting had been held reviewing the punch list and progress had been made on entrance pavement, maintenance of drainage structures, riprap shoulder, and stabilization of the embankment. Bob Doane stated that the construction activity has deviated from several details in the original 2007 approved subdivision plans and that a new clean plan clarifying the changes and deviations would be needed. He restated some concerns with the type of guardrail installed. Terry Lomme and the Commission discussed updated versions and the remainder of improvements to be made. The site plan changes need to be made clear so that the Commission can approve the modifications and verify that the improvements have been made. He reviewed utility extension, drainage, and paving details. A final schedule for completion of improvements still needs to be provided by the project owner. Chairman Smith discussed the expiration of the bond, and Attorney Shipman wants to ensure that the bond is in place by mid-October at the latest. Chairman Smith stated that the guardrail needed to be upgraded or reinforced if the roadway is intended to be a public, town-owned road, and the Commission, by consensus, agreed.

Israel Herskowitz, of 19 Essex Glen, presented to the Commission. He has lived on site for a few months, experiencing numerous concerns with drainage, stump removal at the Bokum Road entrance that obstructs sight lines, grading of the site entrance, signage, erosion control, and other issues. He urged the Commission to ensure that the project developer complete improvements properly. John Pfarr, the owner of unit #25 Essex Glen, addressed the Commission. He noted the slow progress and noncompliance, expressing some concern about the drainage structures on his property that were not apparently part of the initial site plan. His concern is growing as work continues. Larry Shipman recommended that the discussion be continued to August and that a complete and revised set of site drawings be submitted in advance for Bob Doane’s review.

Motion to continue discussion on subdivision modification to the August meeting by Robert Day, seconded by Tom Carroll. Motion carried unanimously.

Motion to add action on public hearing items as agenda items following the public hearings are concluded by Chairman Smith, seconded by Mark Reeves. Item will be added under “Old Business”. Motion carried unanimously.

- c. PZC Application 21-3 Text Amendment to the Zoning Regulations Section 40I.2 Accessory Buildings- Applicant: Essex Planning and Zoning Commission

Motion to approve Application 21-3 with an effective date of July 30, 2021 by Robert Day, seconded by Jane Siris. Motion carried unanimously.

- d. PZC Application 21-5 Text Amendment to the Zoning Regulations Section 45A. Districts Accessory Dwelling Units- Applicant: Essex Planning and Zoning Commission proposing text amendment to allow accessory dwelling units in the River Road Residence (RRR) District.

Motion to approve Application 21-5 with an effective date of July 30, 2021 by Jane Siris, seconded by Robert Day. Motion carried unanimously.

7. Appointments/Reports from Committees and Officers

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

Jane Siris stated that the RiverCOG had a poorly-attended public hearing on the Regional PoCD and the consultant would compile comments and provide a revision.

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

Robert Day stated that the EDC met and discussed the potential pedestrian improvements on Ferry Street, and that he had been assigned to review and potentially revise downtown parking requirements. He will be researching and discussing the matter with Carey Duques.

- 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. She also noted that John Guskowski would be working to help the Harbor Management Commission update the Harbor Management Plan.

8. Staff Reports

- Town Planner John Guskowski discussed the proposed Route 9 Gateway Development District and how he and Carey Duques met with a number of stakeholders and property owners about their concerns and ideas about the proposed regulation change. In general, most of the concerns expressed related to fears that the District would change the regulations or make properties harder to develop or use. He expressed confidence that, after discussions with stakeholders, these fears were misplaced and they understood the

role of the District as an enabling tool and not a punitive set of regulations. Aside from a few properties that may need to be removed from the map of eligible properties, John Guskowski expressed confidence that the proposed regulations were ready for a public hearing. Chairman Smith stated that he would receive the text amendment application at the August meeting.

He also discussed the recently passed statewide legalization of adult-use cannabis and its implication for local land use. He noted that, barring action from the Commission, a retail cannabis provider would likely be considered allowable similar to any other retail. If the Commission wanted to take action clarifying its allowance or prohibition of the retail use, it needed only to make a simply regulatory change to state the Commission's preference. The Commission discussed the matter, including the potential that an application for the retail use could come in before any changes to the regulations. John Guskowski also noted that, like retail liquor permits, the number of potential cannabis retailers would be strictly limited by population, and Essex was very unlikely to ever get more than one retailer. He discussed the Town of Clinton's plans to regulate cannabis retail in a manner identical to the regulation of package stores, with separating distances, etc. The Commission, by consensus, declined to take specific action at this time.

- Land Use Official Carey Duques discussed her assignment to participate with the EDC subcommittee in review of parking regulations focused on Essex Village. The subcommittee will potentially meet late summer.

9. Correspondence and Invoices

None. Carey Duques updated the revised budget organization for the Land Use Department

10. Adjournment

Motion to adjourn by Jane Siris, seconded by Mark Reeves. Motion carried unanimously. Meeting was adjourned at 9:24 p.m.

Respectfully submitted,


John Guskowski
Consulting Town Planner