



ESSEX PLANNING & ZONING COMMISSION

REGULAR MEETING

Tuesday, August 3, 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. He acknowledged the passing of longtime Planning Commissioner Ralph Monaco. In attendance for the meeting were Alternate Jeff Lovelace, who was seated for Mark Reeves; Alternate David Rosengren, who was seated for Erin Borruso; and Alternate Tom Carroll (via videoconference) who was seated for Gary Riggio. Also in attendance were Land Use Official Carey Duques, Consulting Planner John Guskowski and Town Engineer Bob Doane (via videoconference), and Commission Counsel Larry Shipman.

2. Approval of Minutes

July 6, 2021 Regular Meeting

Motion to approve minutes of July 6, 2021 by David Rosengren, seconded by Jeff Lovelace. Motion carried unanimously.

3. Public Hearing

- a. **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 (*Received July 6, 2021*)

Thomas Metcalf presented on behalf of applicant, which would allow horses in a residential district under certain circumstances. He noted that the application is complete and public notices had been posted. He stated that there is a wealth of information about minimum acreage for horses on the internet, but the basis of two acres for the first horse and one acre for each additional horse is a standard approach. The Gateway Commission commented on the matter and approved the proposed amendment. He also submitted a letter of support from Anne Penniman as well as a petition with 33 residents' signatures in support of the proposed amendment. Finally, he noted that he reviewed the 2015 PoCD, and while there was no specific reference to livestock or horses, he noted that in the Natural Resources section, a strong and diverse agriculture sector was supported. Specific recommendations included a particular "right to farm" ordinance recommendations and a review of regulations for "farm friendliness." He noted that there are approximately 39 parcels of 3+ acres in the Village Residence District, with a significant number of them being either owned by the Town, the Land Trust, are existing commercial uses, or are cemeteries or conservation land. There would only be five or six "likely" parcels that would be potentially eligible. He also relayed a conversation with Jennifer Nadeau, who is an equine specialist at UConn, about best management practices.

Chairman Smith asked about the application and Mr. Metcalf's involvement with it. Mr. Metcalf stated his credentials as an engineer and surveyor, and the history of this property as a farm. He believes that this property would be appropriate for his own use as a place for his family and horses. Tom Carroll asked if the three acres would include a house as well, and Mr. Metcalf replied that it would. Tom Carroll asked about management of manure. Mr. Metcalf noted that there were agricultural best management practices, including hauling, composting, distributing, etc. Chairman Smith asked about manure wastes leaching into the groundwater. Mr. Metcalf stated that manure could be covered to avoid leaching, but gardeners often seek out manure for compost, etc. Chairman Smith asked about enforcement. Carey Duques stated that it would be a zoning enforcement matter, but if there were no standards, it would be a judgement call, and a conversation with the Town Sanitarians. Don Mitchell, the Town Sanitarian submitted a comment requesting a manure management plan, which would include a protective radius from wells and residential property lines. The proposed application does not include those details. Mr. Metcalf noted that public health and wetlands regulations also have provisions for manure management and other potential nuisances. Mr. Metcalf surveyed enforcement officials in surrounding towns about complaints about horses, and found no issues. The Commissioners questioned about non-commercial uses and riding of the horses, which would take place off-site, and the potential for stables in the Rural Residential District on seven acres or more. Jeff Lovelace asked about 150' setbacks for agricultural or equestrian uses. Mr. Metcalf stated that this was too restrictive from a geometrical standpoint. The proposal would use the existing VR District setbacks for structures.

David Rosengren asked about other types of livestock, and the difficulty of enforcement of different types of management as a zoning matter. Mr. Metcalf stated that there would be no particular exception, but the proposal would allow for

standard structural setbacks. Larry Shipman stated that there was no enforcement procedure or clear standards for management, and it would be relying on the Health Department for enforcement. He was uncomfortable with the use as accessory, as opposed to Special Exception. Mr. Metcalf stated that the boarding and riding stables were a larger commercial use, and this was a small-scale non-commercial operation. Attorney Shipman stated that the Commission should be looking for management standards in the regulations. Mr. Metcalf stated that the scaled-back size of the operation was provided for in the proposal and the VR District. The Commission discussed the permit standards for structures.

John Guskowski clarified that the property in question could have up to nine horses, and noted that, for purposes of promotion of agriculture in the Plan of Conservation & Development, a private, non-commercial keeping of horses is not the intent. Horses in this sense are pets and not agriculture, which is to say production of food or fiber. Chairman Smith opened the hearing to public input.

Karena Garrity clarified that Alternate David Rosengren identify himself. She also noted that, as a nearby neighbor, she was in favor of maintaining the property as open and agricultural and was very supportive of horses. Jim Parker from 1 Main Street in Ivoryton was supportive of the proposal and was not concerned about smells or waste issues. Randall Clegg spoke in opposition and stated that the proposal did not include sufficient control for management. Robert Hathaway of Ivoryton spoke in favor and stated that manure management was a simple procedure and that the manure could be used as compost. He also stated that the ASPCA and Connecticut Horse Council could also provide oversight. Greg Ellis of 10 Hilltop spoke in opposition because of the blanket change to the regulations that could affect too many properties, including properties near his home. He stated that a larger minimum lot size, with a Special Exception process, would be preferable. He also expressed concern about a zoning change that is immediately proceeding a real estate transaction. Carolyn Field from 18 Hilltop Avenue stated her opposition and expressed concern that the three-acre minimum would open up too many smaller properties with many neighbors to be negatively impacted.

Chairman Smith asked Mr. Metcalf if he had any flexibility about the minimum acreage, and Mr. Metcalf stated that if the Commission needed to increase the minimum to 4 acres, that would be acceptable to him. That increased minimum would leave very few private, residential properties available for this sort of use. Mr. Metcalf stated that many of the concerns about things being "done wrong," which is not an appropriate position to start from. He stated that horse owners tend to be very conscientious and that horses add to the value and enjoyment of a neighborhood. He stated that there were sufficient measures for enforcement of the facility management, including public health, zoning, and the Department of Agriculture. Randall Clegg stated that there was no control that all horses allowed by the zoning regulation would be conscientious "horse people." Jim Parker stated this proposed use was more in keeping with the heritage of the area and was of general community benefit.

Chairman Smith asked how Mr. Metcalf would feel about a Special Exception use, and Mr. Metcalf stated that he didn't see a particular benefit to the process, because the regulations were in place to ensure best management practices at this level. Chairman Smith stated that a Special Exception process would guarantee that the neighbors would be notified and aware. Carey Duques stated that she also received an email from Mary Lou Bowen expressing opposition and stating concerns with manure management. David Rosengren stated that he understood the concern of the neighbors from Hilltop Lane about properties there becoming eligible for horses. He stated that he believed that this issue needed a broader town conversation. Chairman Smith stated that he believed the Town Attorney could help review some additional regulations with Rural Residential District as a guideline.

Motion to continue public hearing until September meeting by Tom Carroll, seconded by David Rosengren, Motion carried 3-1, with Jeff Lovelace in opposition.

4. Receipt of New Applications

a. **PZC Application 21- 7 Text Amendment to add Section 105, Route 9 Gateway Special Development District**

Carey Duques and John Guskowski stated that the proposal had been amended following meetings with several stakeholders and was ready to be accepted for a public hearing.

Motion to receive application 21-7 and schedule a public hearing for October 5, 2021 by David Rosengren, seconded by Jeff Lovelace. Motion carried unanimously.

b. **PZC Application 21- 8 Text Amendment to Section 20 Definitions Building Height and Section 40, Prohibitions and 40J, Height Limitation**

Carey Duques stated that this proposed amendment would clarify some uncertainty about square footage and percentage of building area of small structures such as cupolas.

Motion to receive application 21-8 and schedule a public hearing for September 7, 2021 by Jeff Lovelace, seconded by David Rosengren. Motion carried unanimously.

5. Old Business

a. **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 (Received July 6, 2021)

The public hearing has been continued on this matter.

- 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, June 1, and July 6, 2021)*

Attorney Terry Lomme introduced the topic and stated that the majority of the items on Bob Doane’s “punch list” of open items had been addressed. The outstanding items included a streetlight, which is in process; the bottom elevation of the detention basin; the street trees have been removed from the landscaping plan; the water pipe at the end of the cul-de-sac, which will be capped and the plan for Lot #2 needs to be included. Herb Clark, an abutting property owner, added some information about extension of water and gas service and stated that additional clarification was required for future development potential. He stated that the water and gas lines needed to be finalized and installed before the road was completed so that it would not have to be re-done later. The Commission had a general discussion about the agreement between the two property owners/developers and Town road specifications.

Bob Doane agreed that the project was getting closer, but hadn’t seen the latest iteration of the plans, and needed to see several details, including the grading of the drainage basins. Larry Shipman asked about the final resolution on gas and water by October, and Terry Lomme stated that it would be resolved. Chairman Smith stated that as long as progress was being made, building permits could probably continue.

Motion to continue discussion on this matter to September meeting by Jeff Lovelace, seconded by David Rosengren. Motion carried unanimously.

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

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

Jane Siris was absent from the meeting and did not submit a report. John Guskowski stated that both the Regional Plan of Conservation & Development and the Regional Affordable Housing Plan were in progress.

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

Robert Day was absent from the meeting and did not submit a report.

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.

8. **Staff Reports**

- Town Planner John Guskowski reported that the Town had received three proposals for the RFQ for preparation for a National Register of Historic Places nomination for Essex Village. He and Carey Duques had a recommended vendor but will be reviewing with the First Selectman before proceeding to notification and contracting. He also noted that he was beginning work with the Harbor Management Commission on an update to their Harbor Management Plan which had not been comprehensively reviewed and updated since the 1990s.
- Land Use Official Carey Duques that there was no significant additional update.

9. **Correspondence and Invoices**

None.

10. **Adjournment**

Motion to adjourn by Jeff Lovelace, seconded by David Rosengren. Motion carried unanimously. Meeting was adjourned at 8:45 p.m.

Respectfully submitted,


John Guskowski
Consulting Town Planner

Received For Record
Gronne M. Roziah
08/04, 2021
Assist. Town Clerk, Essex, CT

10:47
A.M.