



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING

Tuesday, September 5, 2023 7PM

Meeting held both in person and via zoom.

In person meeting held at Essex Town Hall Auditorium.

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:05 p.m. Seated for the meeting were Members Jane Siris, Robert Day, Mark Reeves, and Gary Riggio. Seated for Peter Fleischer was David Rosengren. Seated for Chris Riley was Tom Carroll. Alternates. Also in attendance were Alternate Jeff Lovelace, Land Use Official Carey Duques, Commission Counsels Larry Shipman, David Royston and Town Planner John Guskowski.

2. Approval of the Minutes

- August 1, 2023 Regular Meeting

Motion to approve the minutes of August 1, 2023 by David Rosengren, seconded by Gary Riggio. Motion carried unanimously.

Motion to amend the agenda to discuss Essex Glen before the public hearing by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

Carey Duques provided an Essex Glen update, distributing a letter she drafted about the improvements that need to be completed, largely dealing with landscaping and planting. The retaining wall needs some structural repairs and may need to be completed, but the developer's engineer will review this as well. The cable guiderail needs to be tightened along the road, and some final regrading needs to take place. After completion of all items, the road will have to come back to the Town to be accepted by the Town as a public road. The silt fencing has been removed as the lawn areas have been established.

Ben Bossi, of 10 Essex Glen Drive, on behalf of the Homeowners Association reiterated their frustration about the slow pace of progress and requested that the Commission be more assertive with the developer. Attorney Royston stated that the existing bond of approximately \$188,000 will not be reduced until more progress is made, and the bond is good through October 31st, and can still be called by the Town after that date. The Commission will have to decide on reducing or releasing the bond. Additional discussion on progress will take place next month.

Motion to allow the ZEO, with the approval of the Town Engineer, to determine if hemlocks are required to be planted or released from planting requirements by Chairman Smith, seconded by Robert Day. Motion carried unanimously.

3. Public Hearings

- **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.*

This hearing was continued from August. Planning & Zoning Meeting. Chairman Smith stated that while he did not attend the last meeting, he listened to the recording and familiarized himself with the public record. Attorney Bill Sweeney represented the application. He described the applicant's decision to forego the 8-30g Affordable Housing Appeals application, and how the applicant wished to provide a balance between the need for additional housing options and density and providing the Commission with some control over design and review. He addressed the concerns raised by the public about amending zoning regulations and the process relative to the Commission's decision, the public good, and public opinion. He requested that the Commission refrain from entertaining specific objections to potential individual property impact rather than general concerns about the proposed text amendment. He further contended that the proposal was not a "radical change" as argued by some opponents.

Attorney Sweeney reviewed the current and proposed regulations, pointing out that setbacks, lot coverage, and height are all more conservative than other zones, though the density allowance is higher. He further pointed out that many small existing neighborhoods along Essex's state highways have similar densities to those that would be allowed by the amendment. He reviewed the purpose behind the affordability component and how that ought not to be considered "radical" either. He stated that any traffic studies or specific property/site analysis should take place at the Special Exception review level. He submitted an overview of Essex state highway traffic conditions prepared by Dave Sullivan, a Traffic Engineer from SLR Company, an engineering firm, Exhibit 1. The study pointed out that the state highways in Essex are far below capacity and have a high degree of safety.

Attorney Sweeney reviewed the Commission's authorities, which include approving, rejecting, or modifying the proposed text amendment. He distributed a list of potential modifications to the Commission to be more responsive to some of the neighborhood concerns, Exhibit 2. These changes include a restriction of two dwelling units per structure, which would eliminate garden-style apartments or larger multi-family buildings, as well as adding a reference to Section 130. Finally, he sought to respond to the question to "why is this good for Essex?" He referenced the Plan of Conservation & Development's statement about expanding the variety and diversity of housing options in Essex, and particularly those that are affordable. He believes that this proposal seeks to deliver upon that mission.

Attorney Michael Carey represented several project opponents, and made a few comments. He discussed the Affordable Housing Appeals Act, and how the subject proposal would not satisfy the Town's affordable housing requirements. He further discussed the Plan of Conservation & Development and noted that increased housing density should be focused in the village areas. He stated that he did not believe that the units to be created would meet the needs of the demographics identified in the PoCD. He noted the large crowd, which he stated was largely in opposition to the proposal. Accordingly, he stated that the Commissioners needed to take into account the wishes of the residents. He further clarified his statement from the last meeting about this being a "radical" proposal, taking a substantial departure from the current regulatory approach. He discussed the statutory requirement that a zoning change be consistent with the PoCD and the comprehensive plan of the municipality, as well as discussing the consideration of the condition of the Town roads. He also noted the concessions that the applicant was willing to make and encouraged the Commission to avoid "contract zoning" in this matter.

Attorney Larry Shipman reviewed the ground rules for the public hearing, including an arbitrary timeline of three minutes per speaker, to ensure that everyone had the opportunity to speak, after which the applicant would be given the chance for the final word. Chairman Smith opened the hearing to the public.

Linda Nuzzo polled the audience about members of the audience concerned about the affordable housing aspect of the application. Noting that many members of the audience raised their hand, she stated that she was devoted to the quaint nature of the community, and affordable housing needed to be built in a more appropriate place. Mark Brustolon moved to town 32 years ago, and stated that there was a significant traffic increase on town roads, and this proposal would further exacerbate traffic conditions. He further stated that the Town has added more affordable housing in recent years.

Steve France asked about the term “affordable housing” and the average costs of the proposed houses to be developed. Robert Day discussed the topic and the state definitions of the term. There was some discussion about the difference between a text amendment concerning housing and development proposal. Phil Nuzzo stated that he did not support higher density development in town, but that it should be in the right place, and in appropriate areas. He cited a petition with several hundred signatures. Steven Spott stated that the applicant’s location along Saybrook Road was a dangerous area of town. He was not opposed to affordable housing, but didn’t want headlights from a parking lot into his house. He also cited the petition against the proposal. John Gatti of Saybrook Road stated appreciation for the Commission’s work. He stated that the proposal would change the character of Essex, and he didn’t want to ruin the town. He further stated that the will of the town was against this. He discussed the master plan and the interests of the town.

Janice Atkeson discussed affordable housing in her role as the Chair of the Essex Housing Authority. She reviewed the incomes and tenure of the residents of Essex Court and Essex Place, as well as the Spencer’s Corner units. She further discussed the rules and implications of Section 8-30g and encouraged the Commission to help keep Essex beautiful. Daniel an Essex resident asked the developer asked about the proposed square footage per unit and per building, as well as the number of potential roads might be affected. Attorney Shipman clarified the difference between the text amendment and a development proposal. Jan Beyen of Grove Street stated that traffic conditions were light because of COVID. Helen Grandview Terrace asked why the applicant didn’t provide more specific, architectural plans instead of just addressing zoning.

Bill Sandberg noted that the text amendment was to change the rules within the regulations, and suggested that the applicant should come in with a full plan.

Bob Grillo of Squires Lane stated that the developer was not interested in representing the town nor its residents. He believes that the developer was only building high end housing and throwing in minor affordable housing to cover their investment. He further stated that Essex Hills driveway location was not safe. He supports affordable housing, but not in this location. Janice Poloso from New York does not want the aesthetics and beauty of Essex to change. Lois Ely stated her concerns for the Town’s rural character and the limited availability of water supply for fire fighting. Michael from Crosstrees Hill Rd stated that Essex is a very special choice and he promotes the “living museum” of the town. He stated that the Commission needed to closely consider the location of new development, and to avoid bigotry.

Frank Hall stated that there were two separate issues being discussed and the text amendment application versus the development application. He stated that vehicle traffic on the state highways travel at high speeds. He also asked about the water supply impact would be on a well-dependent area, as well as expressing concerns about septic systems. Larry Athay urged the

Commission to take a long view on these text amendments and property rights. He stated that the concerns of the children and grandchildren should be taken into account too. The ability of future generations to live in town is an important factor. Ken Barre spoke about the “veiled threat” of a potential 8-30g application should this proposal be denied. He also spoke about the limits of the roads capabilities vs. the desired traffic volumes. Erin Conlan of Squires Lane stated that if the amendment was passed, it could affect many more than simply eight properties in Essex, possibly by combining properties and building far more units than initially intended. She stated that there would be increased risks of septic problems, water problems, traffic problems, etc.

Jennifer Baier stated that the Commission should be the ones to decide if a proposal was insufficient or technically flawed. She believed that there should be more affordable housing in Essex and it should be shared with more residents, because other people should benefit from Essex’s beauty. Donald Hynes stated that they should just go through a variance process for this property rather than seeking a text amendment. Claire Matthews stated the Town will always change and evolve, and the Commission should not be too persuaded by current residents without thinking about future generations’ ability to live in Essex as well. Jennifer Ahern from Saybrook Road asked about the changes to zoning that created two-acre minimum lot sizes and how an increase from six houses on a property to 20 units was a radical change. She further stated that the low traffic volumes were part of the important charm of Saybrook Road and urged the Commission from turning it into Long Island.

Pamela Reeser stated that the proposed change to zoning only affects affordable housing for 30 years, but the houses themselves would be here in perpetuity, so it does not truly improve affordability. Phil Nuzzo submitted a paper copy of the petition opposed to the application, and was given Exhibit #3. Linda Nuzzo reiterated concerns about well, septic systems, and traffic and not about affordability. Attorney Carey cited the State Statute that said text amendments needed to follow the comprehensive plan and the PoCD should be considered. He stated that the proposed amendment is not in the best interests of the Town and not in compliance with the comprehensive plan. He expressed concern about the potential for an 8-30g application. Maureen Gatti of Saybrook Road stated that the Town’s master plan should not be ignored and should not be changed based on the wishes of a developer. Joy Kmetz stated that she believed in diversity, equity, and inclusion, but if the Town has identified areas to grow, she asked why would the developer and the Town choose to grow in other areas outside of the villages. Kristie Barber stated that new housing is important but this proposal does not address the correct area.

Attorney Sweeney sought to clarify the difference between the 8-30g process and the proposed text amendment before the Commission. He discussed the math for affordability relative to the area median income and a potential development scenario. He further clarified that being consistent with the comprehensive plan refers to the regulatory process, including public hearings, must be followed in processing applications. He discussed the guidance from the PoCD and how it is not a mandate, but a guideline for making decisions. He further clarified his amendment’s references to the bulk and loading standards of Section 131, and refuted the charge of contract zoning. He discussed the option of an 8-30g application, which is not their preference, instead of a collaborative approach that gives communities more control. He stated that if the Commission did not like this option, he strongly encouraged them to find a better alternative solution because an 8-30g application may not be in the Town’s interest.

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

4. Unfinished Business/Action Items

- **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.*

Carey Duques provided some guidance to the public about the Commission's decision process and timeline. The deliberations will take place in public, but the hearing element is closed. Robert Day stated that his preference would be to take time to consider the application, including some potential modifications.

Motion to continue deliberations on Application 23-07 until the next regular meeting by Mark Reeves, seconded by Robert Day. David Rosengren asked whether he would be seated at the next meeting in order to discuss the matter further. Attorney Shipman stated that if he was in attendance at the next meeting, he would continue to be seated. **Motion carried unanimously.**

5. Receipt of New Applications

There were no new applications.

6. New Business

There was no new business.

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 Housing Committee met recently and will be discussing Inclusionary Zoning as well as tracking of accessory dwelling units.
- Economic Development Commission – Robert Day stated that there were no major updates from EDC.
- Plan of Conservation and Development – No update. John Guskowski stated that he and Carey Duques would provide an overview of the PoCD process this fall and would seek to establish a standing committee to begin work on the update in the new year.
- VR Zoning Text Amendment Committee – There was no meeting to report on.

8. Staff Reports

- Town Planning Consultant – John Guskowski reported that the DEEP was reviewing the latest, hopefully last draft of the Harbor Management Plan update, that the Town submitted a STEAP grant for the elevation and improvements to Pratt Street and Ferry Street to address repeated flooding.
- Land Use Official – Carey Duques reported that there will be a meeting on Short Term Rentals with the Board of Selectmen in the auditorium tomorrow (Sept. 6)

9. Correspondence


There was no additional correspondence.

10. Adjournment

Motion to adjourn by Robert Day, seconded by Mark Reeves. Motion carried unanimously.

The meeting adjourned at 9:50 p.m.

Respectfully submitted,



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