



# TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426  
Essex Town Hall

## REGULAR MEETING - AGENDA

Tuesday, October 3, 2023 7PM

Meeting was hybrid: held both in person and via zoom.

**In person meeting held at Essex Town Hall in the Auditorium.**

### 1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:01 p.m. Seated for the meeting were Members Jane Siris, Robert Day, Mark Reeves, Chris Riley, and Peter Fleischer. Seated for Gary Riggio was Tom Carroll. Also in attendance were Alternates Jeff Lovelace and David Rosengren, Land Use Official Carey Duques, Commission Counsels Larry Shipman, David Royston and Town Planner John Guskowski. Member Gary Riggio joined the meeting at 7:18 and at that point was seated instead of Tom Carroll.

### 2. Approval of the Minutes

- September 5, 2023 Regular Meeting

**Motion to approve the minutes of September 5, 2023 by Tom Carroll, seconded by Robert Day. 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.**

Essex Glen Update- Land Use Official Carey Duques stated that she has worked with Attorney Royston and the development team in ensuring the developer made progress in completing the island, which should be started this week, as well as the repairs and replacement to erosion and sedimentation control. The retaining wall is also being repaired under the supervision of an engineer. Individual unit landscaping is being addressed, and the installation of the guiderail should be completed shortly and ready for inspection.

Attorney Royston stated that once the work has been completed, the bond can be returned, and the proposed acceptance of the road can be advanced to a Town Meeting. The certification of the tension on the guiderail and other inspections of the roadway will need to be completed by Town staff in order to proceed. The bond as currently posted will be extended for an additional three months and has not been reduced in value and will not until the work covered by the bond will be completed. Once completed, a portion of the bond will be converted to a one-year roadway performance bond. He responded to questions about the difference between subdivision and special exception bonds and timeframes.

Kevin Healy, a representative of the homeowners association stated that they are concerned about the retaining wall, and that it would be difficult to know if the erosion and sedimentation controls would be installed properly before winter, and expressed general dismay about the length of time that the project has taken. Carey Duques stated that the condition of the wall has been inspected by a third-party engineer. Attorney Royston stated that no action was needed by the Commission at this time.

**Motion to extend the improvement bond by three months by Mark Reeves, seconded by Robert Day. Motion carried, with Chris Riley in opposition.**

**3. Public Hearings**

There was no public hearing.

**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. (Public hearing held on August 1 and September 5, closed public hearing on September 5, 2023)*

Chairman Smith introduced the topic. Chris Riley stated that he had not attended the second public hearing but has familiarized himself with the record. Seated for the discussion were Chairman Smith, Jane Siris, Mark Reeves, Robert Day, Chris Riley, Gary Riggio, and David Rosengren (seated for Peter Fleischer).

Carey Duques discussed the current development density of the Rural Multifamily Zone and a multifamily development district, and how it contrasts with the current lot sizes in the Rural Residential Zone, as well as the proposed densities are not a dramatic density increase from current conditions. She also reviewed a staff memo circulated to the Commission that addresses issues of spot zoning, harmony with the Plan of Conservation & Development, Commission control of the development under a Special Exception process, the potential benefits of such a proposal, alternative development pathways, and other potential modifications to the application text.

John Guskowski reviewed the proposal from a broad sense, discussing how the zoning regulations had changed over the years, reflecting market conditions and the interest of the Commission of slowing down or otherwise affecting development. He described how increasing lot sizes made a number of properties nonconforming, but were developed at higher densities than were currently allowed. He discussed the PoCD, and how ideally the regulations would flow from the goals. He cited the PoCD's encouragement of a wide range of housing opportunities, particularly in village areas and along major corridors. He further stated that the text amendment represents a tool, not a development proposal, and the Commission needed to decide whether this was a potentially useful tool to be put in the Town's regulatory toolbox.

Mark Reeves discussed issues of density and how the role of the Commission would be to decide what densities are appropriate, not to adjust regulations to meet existing densities. He also noted that he believed at least five properties would be eligible for this development type. Under current regulation, those five properties, totaling around 140 acres, could produce around 65 houses, but under the proposed regulations, could produce over 260 new dwellings, which he believed to be a significant change. The majority of those would empty on to Main Street in Centerbrook, which he did not believe would be adequate. He further discussed the PoCD, and while the town does need more affordable housing, the proposal was not affordable enough. It also pointed to focusing increased development in village centers. He asked questions about the potential, unexamined impacts of over 260 new residences, and should be considered. He stated that he believed that this was a potentially significant change. He further stated that generally, residential structures do not pay for themselves in terms of taxes. He stated that there was currently no provision in the text amendment for open space or fees in lieu, and this should be added. He stated that the "control" provided by Special Exceptions is fairly narrow, and focused around issues of landscaping, rather

than actual developments. He also discussed the potential of the 8-30g affordable housing appeal, stating that in a site like the ones proposed would be limited in their developability by private well and septic systems. He also stated that if the Town was serious about affordable housing, it should force developers through that process than in this Special Exception. He suggested that a developer should think twice before proposing a project like that. Finally, he stated that the public has a role in this process, which was a critical function and he believed that there should be a proactive process, not a responsive/reactive process. He believed that the Commission should take on this issue of discussing multi-family housing separately from this application.

Jane Siris stated Mark Reeves made some good points and while perhaps the current application is not the right approach, the topic is very important. She pointed to Heritage Cove, which is over 100 residential units on 14 acres, and creates no traffic problems on River Road, a local road. She stated that the public did not need to be afraid of the density of multifamily like that development. There was a significant need for more housing of that type in Essex.

Chris Riley stated that while the public input was welcome and useful, he thought some of the passion of the public moved into inappropriate comments at times. He stated that he was a supporter of affordable housing, personally and professionally, but needs to be a balancing act with the greater good of the town. He stated that broader housing options were important, the current proposal was not necessarily the best approach for that goal.

Gary Riggio stated that the developer seemed very thoughtful in their approach, but was hesitant to see the regulations change but thought the Commission should consider the topic on their own. He was not in favor of the amendment application as it stood right now. Robert Day agreed that more should be done to increase housing density and affordable housing in the right places, but did not think that the proposal was the right way to do that as it stood. He thought housing density increases should take place in areas served by sidewalks and other infrastructure, and in village centers as highlighted in the PoCD. He suggested that a subcommittee could be charged with coming up with a proposal that would be recommended to the full Commission.

David Rosengren asked, if the Commission is not going to move forward on a proposal such as this, then when? Of the people who testified, many discussed non-focused issues of public water and septic. Many others described the proposal as radical, which he did not agree with. He stated that Essex is an aging town, on the verge of becoming a retirement community. If nothing is going to be done to encourage newcomers to move to Essex, the town will continue to get older and die. He stated that he did not agree with the concept of "Save Rural Essex," and stated that there are really only a small handful of properties that could legitimately be developed under this regulation. He discussed Essex not being an actually rural community, and was truly developed at moderate suburban scales. The proposals would not really change the actual densities of the residential areas. He suggested that the Town and the Commission was not serious about actually making progress, and feared the forward motion would die in committee. He stated that the Commission needed to move forward, and dismissed the tendency to "protect" Essex in a way that would instead foster isolation. He noted that none of the houses on Essex Hills actually meet the current zoning standards. In a Special Exception process, issues of sufficient water access would be addressed and managed, as would traffic. He stated that Essex traffic was not at all a significant concern, but those discussions would be held during the Special Exception process. He also noted that bringing in more children should be welcome, and reflected a commitment to "paying it forward" to a future generation instead of becoming a retirement community. He would like to discuss and potentially revise the amendment at hand rather than kicking the can down the road. He thought some modifications to the current proposal would make it more acceptable.

Chairman Smith agreed with many of the comments from the Commissioners. He was part of the Planning Commission when the Zoning Commission changed the proposed densities of the Town. He stated that he continued to be in favor of a two-acre standard in the Rural Residential district. He agreed that the text amendment should be written by the Commission rather than a developer and should focus on affordable housing, at more affordable levels.

**Motion to deny Application 23-7 because it does not meet PoCD language recommending preserving traditional rural lands, it does not focus development in key development nodes and along major transportation corridors, and the Commission does not have sufficient information to determine the impact of the amendment by Mark Reeves, seconded by Chris Riley.** Jane recommended an amendment that the Commission set up a subcommittee to address the issue of zoning for multifamily housing. Mark Reeves did not accept this amendment. David Rosengren quoted the PoCD discussing the increasing unaffordability of housing in Essex.

[at this point in the meeting, the audio and video of the Commission live at Town Hall was interrupted in the Zoom feed. When it was restored, via Robert Day's in-person computer, the discussion continued]

David Rosengren stated that developments of this type exist around town, and the question is more about where the proposed development may occur that people seem to object to. Robert Day stated the PoCD presents a challenge because it does propose increasing density, but focused primarily in the nodes, and thought an update was needed. Gary Riggio stated that the Commission should back up and answer some important questions before proceeding forward.

**Motion carried 6-1, with David Rosengren in opposition.**

**Motion for the Commission to undertake a review of the Zoning Regulations to consider multifamily housing and particularly to focus on affordable housing in all residential areas by Mark Reeves, seconded by Gary Riggio.** David Rosengren stated that he had concerns that subcommittees are where ideas go to die and that the discussion should happen with the full Commission in open meetings. **Motion carried 6-1, with David Rosengren in opposition.**

## 5. Receipt of New Applications

- **PZC Application 23-09** Special Exception for functional training space for small group fitness at **6 Main Street Unit 316 Centerbrook**. *Applicant/Owner: Macbeth Ventures, LLC*

**Motion to receive application 23-09 and schedule the public hearing for November 8<sup>th</sup> by Robert Day, seconded by Chris Riley. Motion carried unanimously.**

- **PZC Application 23-10**, Special Exception for 51 River Road, construction of an accessory structure within the Gateway Conservation District, exceeding a total of 4,000 square feet of construction.

**Motion to receive application 23-10 and schedule the public hearing for November 8<sup>th</sup> by Chris Riley, seconded by Mark Reeves. Motion carried unanimously.**

- **PZC Application 23-11**, 9A Novelty Lane, a Special Exception to establish a yoga studio in a prior office space in the Waterfront Business District.

Carey Duques raised the topic of whether the Commission considered a yoga studio to be a “general office use” that would be allowable under the Zoning Regulations. Susan Malan, representing the application, stated that there is active yoga practice in the Waterfront Business District.

**Motion to receive application 23-11 and schedule the public hearing for November 8<sup>th</sup> by Robert Day, seconded by Chris Riley. Motion carried unanimously.**

- **PZC Application 23-12** Text Amendment to Section 60.A.2(H) making family day care homes an as-of-right use requiring a zoning permit only instead of a Special Exception. *Applicant: Essex Planning & Zoning Commission*

Carey Duques presented the proposal, which was meant to come into compliance with a newly-passed State law PA-23-142 on zoning of family day care homes. **Motion to receive application 23-12 and schedule the public hearing for November 8<sup>th</sup> by Robert Day, seconded by Chris Riley. Motion carried unanimously.**

**6. New Business**

Jane Siris asked about appointing the newly-approved Affordable Housing Subcommittee. Chairman Smith stated that the subcommittee would be put on the agenda for the following PZC meeting.

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

- Lower CT River Valley Council of Governments Regional Planning Committee
  - o Regional Housing Committee – Carey Duques discussed the requirements for regional training opportunities. The most recent meeting was cancelled in favor of a housing forum in Hartford.
- Economic Development Commission – Robert Day ceded his time to EDC Chair Susan Malan, who stated that the PoCD was on their agenda and was eager to participate in an update. She noted several vacancies and stated that the real estate market was in good shape, but slowing down somewhat.
- Plan of Conservation and Development – No update
- VR Zoning Text Amendment Committee – the Committee is still assembling information and had no report at this time.

**8. Staff Reports**

- Town Planning Consultant – John Guskowski reported that the Town has recently been awarded a \$440,000 grant from the State through its STEAP grant program that will add a sidewalk on Pratt and Ferry Streets as well as elevating the roadway to mitigate repeated flooding. He also noted a housing forum in Hartford that he participated in and would distribute the recording to the Commission.
- Land Use Official – Carey Duques noted that the draft of the Short Term Rental ordinance was being updated, and there would likely be a public hearing in November.

9. **Correspondence**

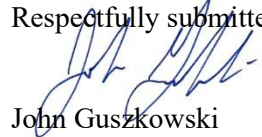
There was no correspondence.

10. **Adjournment**

**Motion to adjourn by Jane Siris, seconded by Chris Riley. Motion carried unanimously.**

Meeting adjourned at 8:50 p.m.

Respectfully submitted,



John Guskowski  
Town Planner (Consulting)