



ESSEX PLANNING & ZONING COMMISSION

REGULAR MEETING

Tuesday, November 9, 2021

7:00 p.m.

Meeting Held in Person in the Auditorium 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 7:00 p.m. In attendance for the meeting were Members Jane Siris, Gary Riggio, Robert Day, and Mark Reeves. Seated for Erin Borruso was Alternate Jeff Lovelace. Seated in the vacant Member seat was Alternate Tom Carroll (via videoconference). Also in attendance were Alternate David Rosengren, Consulting Planner John Guskowski (via videoconference), and Commission Counsel Larry Shipman.

2. Approval of Minutes: October 5, 2021 Regular Meeting

Motion to approve minutes of October 5, 2021 by Jane Siris, seconded by Gary Riggio.
Motion carried unanimously.

3. Public Hearing

- a. PZC Application 21- 7 Text Amendment to add Section 105 Route 9 Gateway Special Development District to serve as a floating zone that would be permitted through a two-step Map Amendment and Special Exception application process which would allow specific uses and bulk standards as stated in the proposed section. Applicant: Planning and Zoning Commission

Chairman Smith read a letter of testimony from Charles Atwood in opposition to the proposed text change. Planning Consultant John Guskowski reviewed the edits to the proposed text amendment based on Commission and public comment at the October hearing, which included an increased focus on jobs and housing, a significant reduction in retail activity, revised height limits, and process clarifications.

Tom Carroll asked about the revisions between the October and November versions, as well as timeframe for consideration. John Guskowski stated that the revisions were available in a markup version, which was now the current proposal on the table, and stated that a Commission-sponsored amendment did not have a traditional statutory timeclock.

Geoffrey Paul, the owner of the Sunset Pond property, spoke and stated they had acquired the subject property in order to shield it from development. He raised concerns about the geographic scope of the eligibility area, which included existing residential properties and difficult geography. He did not support an expansion of the potential district into residential areas. He further stated he did not welcome the idea of opening the door to out-of-town developers, citing the expensive apartments created at Essex Station. He encouraged the expansion of accessory apartment regulations. John Guskowski responded that the Special Development District eligibility area had not been expanded and reiterated that the discretionary bar was extremely high for review and approval of a Master Plan concept.

Motion to continue the public hearing by Jane Siris, seconded by Mark Reeves.
Motion carried, 5-2, with Tom Carroll and Jeff Lovelace in opposition.

- b. **PZC Application 21-9 Text Amendment to Section 40A.1 of the Zoning Regulations** to not allow applications for Marijuana Dispensaries and/or Producers within the Town of Essex. *Applicant: Roger J. Kern*

The applicant, Mr. Kern, referred to an op-ed that he recently published in the Valley Courier stating his opposition to the support of any sort of marijuana consumption in Essex. He referenced the harms of marijuana and stated that simply passing a moratorium for six months is “kicking the can down the road” and recommended dealing with the issue immediately.

Chairman Smith read three pieces of correspondence from residents expressing their support for the ban on marijuana dispensaries. Steven Eberly of Ivoryton refuted Mr. Kern’s arguments about the harms of marijuana, particularly relative to alcohol, the character of the potential future retail outlets, and economic incentives. He also disagreed with the moratorium. Nicole Bartolomei stated that as a nurse and a mother, she is a proponent of treatment of anxiety, PTSD, chronic pain, and other disorders. She has seen that medical use of marijuana has proven very effective in treating many and varied disorders. She referenced medical/biological systems that are treated and assisted with the use of medical marijuana. She opposed a sweeping law that prohibits a potential useful product, largely for political reasons. She cited successful dispensary facilities in Massachusetts. Matt Pointkowski, a resident and nurse with experience with oncology patients, stated that he has seen a very effective use of medical marijuana, and banning dispensaries would mean reducing access to a potentially very useful treatment product, which is not covered by Medicare.

Jane Siris shared the experience of visiting a medical marijuana dispensary in Groton. Mr. Kern stated that he would be willing to adjust his proposal to simply cover recreational marijuana. Jane Siris stated that the management of a recreational cannabis facility would very likely be similar to medical marijuana facilities. Mr. Kern stated that he would be willing to submit additional information at the next hearing.

**Motion to continue the public hearing by Mark Reeves, seconded by Gary Riggio.
Motion carried, unanimously.**

- c. **PZC Application 21-10 Text Amendment to Section 40A.1 of the Zoning Regulations** to implement a moratorium for a period of 6 months where no application will be accepted, considered or approved and no zoning permits will be issued pertaining to marijuana dispensaries and/or producers. *Applicant: Planning and Zoning Commission*

The Commission discussed the procedure of this public hearing/application relative to the existence of another application concerning the prohibition of marijuana facilities. Attorney Shipman stated that a moratorium provides an opportunity to review the variety of potential related uses (retail facility versus growing facility) and the areas and regulations that may govern them.

Roger Kern stated that he objected to the timeline of his application's hearing and the Commission's application hearing and requested that both hearings be kept open. A member of the audience asked about the timeframe for adoption and effectiveness. The Commission discussed the licensing limits and procedures. David Rosengren stated that there was not a sufficient understanding of the issues by himself or the Commission and that a moratorium provided that time. Tom Carroll stated it appears that Middletown was the only place in Middlesex County that is on track to allow dispensaries. Robert Day stated that even if the licensing process is relatively slow, potential dispensaries are going to start looking for locations sooner and it is likely that a moratorium would discourage the first round of licensees from Essex.

Adrienne Brochu, a resident, stated that a moratorium would simply delay access to needed medical products. She stated that dispensaries were highly regulated and much safer and well-run than package stores, and the tax revenue would go toward education and treatment. Roger Kern stated that if a moratorium was to be put in place, it should be a one-year moratorium. Mark Reeves stated that the moratorium could be extinguished faster if a conclusion was reached. Nicole Bartolomei stated that a sufficient amount of pertinent information to assist the Commission with their decision within a shorter period of time. There was a discussion between the Commission and public about the location of nearby dispensaries in Massachusetts and Rhode Island that could be visited and state licensing timeframes. David Rosengren stated that he believed that the Commission needed to consider the issues and that a six month moratorium was appropriate.

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

4. **Old Business & Action Items**

- a. **PZC Application 21- 7 Text Amendment to add Section 105 Route 9 Gateway Special Development District** to serve as a floating zone that would be permitted through a two-step Map Amendment and Special Exception application process which would allow specific uses and bulk standards as stated in the proposed section. Applicant: Planning and Zoning Commission

The public hearing was continued to December.

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- d. **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, July 6, August 3, September 7, 2021, and October 5, 2021 meeting)*

Attorney Shipman stated that the bond had been renewed for a year and that progress was being made and monitored by Carey Duques. There are a few items, including the final surface of the roadway and the guardrail was still pending.

Motion to continue discussion on this matter to the December meeting by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

5. **Receipt of New Applications**

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

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

Jane Siris stated that Carey Duques was the town’s representative for the Regional Housing Plan. John Guszowski stated that there was an informational presentation in mid-October about the demographic and housing conditions and projections for the region. Essex, like many other lower-Middlesex County towns, is losing young and workforce population. The development of municipal affordable housing plan annexes to the Regional Plan would start to get underway in January.

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

Robert Day stated that there were no major developments other than the resignation of Chairman Janet Peckinpaugh. The next meeting of EDC is November 10.

c. **Report of Committee on Plan of Conservation & Development**

John Guskowski noted that the Committee had not been established but was a standing item for future meetings.

7. **Staff Reports**

- Town Planner John Guskowski noted that he had prepared an analysis of the Town's current Accessory Apartment Regulations in comparison to the new standards set forth in Public Act 21-29 which require compliance or an opt-out no later than January 1, 2023. Per the Commission's request, he will prepare a mark-up of the current Accessory Apartment Regulations to show what would need to be changed in order to bring the Town into compliance with State guidelines.
- Land Use Official Carey Duques was absent due to a scheduling conflict with the Wetlands Commission and had no formal report.

8. **Correspondence and Invoices**

- Discussion regarding 7 Main Street, Essex, potential conversion of building from bank to retail. Attorney Ed Cassella reviewed the proposal to convert the current Liberty Bank building to a retail use. The building is a two story building that is right along the street but slightly elevated. The first floor would be dedicated to retail, and a full second story would be developed. The second floor would be office and storage, as well as a small kitchen/break area. The conversion of the bank to retail would require a Special Exception. There are 13 existing on-site parking spaces, and there was a question about addressing the potential building expansion relative to the parking limitations.

Jane Siris led a discussion about the work room on the upper floor and other architectural details and use of space. Robert Day agreed that he welcomed the use and discussed parking needs. Attorney Cassella reviewed parking calculation scenarios and the interpretation of office and storage uses. Tom Carroll asked about the applicant's retail experience, which was primarily in finance. Attorney Cassella asked about the likelihood of a favorable parking interpretation vs. a variance. Attorney Shipman stated that there was some flexibility. Robert Day asked Attorney Shipman to investigate that interpretation.

9. **Adjournment**

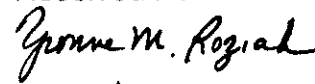
Motion to adjourn by Robert Day, seconded by Jane Siris. Motion carried unanimously.

Meeting was adjourned at 8:43 p.m.

Respectfully submitted,


John Guskowski
Consulting Town Planner

Received For Record



11/12, 2021
Assist. Town Clerk, Essex, CT

@ 8:35 A.M.