



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING
Tuesday, January 2, 2024 7PM

Meeting was hybrid: held both in person and via zoom.
In person meeting held at Essex Town Hall in Conference Room A located on the 3rd floor.

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:02 p.m. Seated for the meeting were Members Jane Siris, Mark Reeves, Robert Day, and Peter Fleischer. Seated for Gary Riggio was Alternate David Rosengren. Seated for Chris Riley was Alternate Tom Carroll. Also in attendance were Alternate Jeff Lovelace, Land Use Official Carey Duques, Commission Counsel Larry Shipman, and Town Planner John Guskowski.

2. Approval of the Minutes

- December 5, 2023 Regular Meeting

Motion to approve the minutes of December 5, 2023 by Robert Day, seconded by Jane Siris. Motion carried unanimously.

3. Public Hearings

- **PZC Application 23-13 Proposed Zone Change** under Section 123 of the Essex Zoning Regulations to change the zoning of **11 and 15 Old Deep River Road Centerbrook** Map 44 Lot 1 and Map 34 Lot 3, respectively, from Rural Residential (RU) to Commercial (C) *Applicant and Owner: Essex Steam Train Events LLC*

Attorney Ed Cassella represented the applicant, joined by representatives from the Essex Steam Train. This would be the first step of a two-step process that would allow for more Steam Train-related activities to take place on the Old Deep River Road lots in question. He displayed maps demonstrating the location of the parcels in question, which are largely landlocked by the Valley Railroad lines, Route 9, Falls River, and State of Connecticut land and have no regular vehicular access. The ultimate goal is to have train-related excursions to include musical, theatrical, special events, and other train-related celebrations. The access to the activities would be largely via train. The “meadow” parcel on the south side of the tracks are very isolated topographically.

The item on the table right now is a zoning district change proposal. If it was approved, there would be a more complete Special Exception application that addressed items like access, circulation, activity levels, etc. Jane Siris asked about the access road. Kevin Dodd, President of the Essex Steam Train, explained emergency access to the property which is alongside the tracks that was approved by the Fire Marshal. A separately addressed property was created. The Commission discussed potential size of events and other means of accessing the property, and whether opening the properties to commercial uses create an impetus for broader access and activity.

Chairman Smith opened up the hearing to the public. Karen Goldfinger from Old Deep River Road asked about the noise from potential events. Maureen Quintin, Vice President of the Steam Train stated that noises would be limited, as most events would be done by 10 p.m. and most noise would come from children participating in events. There are usually events around Easter, then summer and fall weekends. There are no current plans to cut trees. Peter Fleischer asked about crowd size and parking. Chairman Smith stated that this application was about re-zoning, and traffic and noise matters would be addressed by a Special Exception. Carey Duques reviewed the potential uses in the Commercial Zone allowable via Administrative Review and Special Exception. Karen Goldfinger stated that she was in opposition to the application, as she lived in a residential area and did not like the idea of adding more commercial-level noise in this residential area.

Jeff Lovelace asked about the location of the Christmas decoration signage for orientation purposes, relative to the proposed re-zoning area. These decorations are about 50' off of the railroad tracks into the "meadow" property. Peter Fleischer asked about specific details of activity and noise, including loudspeakers, relative to Special Exception procedures. Carey Duques stated that those types of commercial uses would have to be part of a detailed plan subject to a public hearing.

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

4. Unfinished Business/Action Items

- **PZC Application 23-13 Proposed Zone Change** under Section 123 of the Essex Zoning Regulations to change the zoning of **11 and 15 Old Deep River Road Centerbrook** Map 44 Lot 1 and Map 34 Lot 3, respectively, from Rural Residential (RU) to Commercial (C) *Applicant and Owner: Essex Steam Train Events LLC*

Motion to approve Application 23-13 with an effective date of January 20th by Tom Carroll, seconded by Mark Reeves. Motion carried unanimously, with Peter Fleischer and David Rosengren abstaining.

- **Discussion of draft language for Bokum and Ivoryton Nodes Development Overlays**

Carey Duques referred to copies of proposed regulations prepared by the Essex Planning Commission several years ago in the same general format of the approved Route 9 Gateway Special Development District. These were the "node" zones that were drafted in implementation of the Plan of Conservation & Development. John Guskowski talked about the general approach of the nodes and minor differences in design type and size. Jane Siris asked about the current and desired architectural design palette of the Route 153 corridor. She wondered whether the geographic parameters of the Bokum node should be narrower. Mark Reeves discussed the mixed-use area extending somewhat down Mares Hill Road. John Guskowski discussed the master plan process that opens up options for development. Tom Carroll stated that he believed there was a good deal of important open space in the area. Carey Duques stated that the proposed nodes could be considered separately and taken up individually by the Commission. Robert Day supported the project-by-project design approach. He further suggested that the Ivoryton node should be extended to the Pratt Read Piano Factory. David Rosengren stated that the Commission just approved the re-zoning of 14 acres to commercial use, and that he did not propose that the characterization of Route 153 in the Bokum area exuded rural charm. He advocated for more housing opportunities, particularly for young people, and the town needed much more diversity. Jane Siris stated that the focus area should be more defined and less piecemeal. Peter Fleischer

suggested that the two nodes should be treated separately, and the Bokum node contains a great deal of wetlands, but otherwise held the highest potential for broader residential development.

Motion to request staff to convert the Bokum Node language into a formal text amendment application for receipt by Peter Fleischer, seconded by Jane Siris. The Commission discussed the preliminary language, which would be refined by staff. David Rosengren pointed out that many members of the public focused on the node concept during recent public hearings. **Motion carried 6-1, with Tom Carroll in opposition.**

5. **Receipt of New Applications**

- **PZC Application 23-14 Special Exception** under Section 101E.1 of the Essex Zoning Regulations to remove existing driveway pavement and install new gravel drive for access to boat slips. *Applicant and Owner: Essex Yacht Club*

Carey Duques distributed the application materials, which were received after the publication of the minutes. The proposal includes removing paved driveway, installing a gravel drive, and other activity within 100' of the Coastal Jurisdiction Line, which requires a Special Exception.

Motion to receive application 23-14 and schedule a public hearing to open on February 6 by Mark Reeves, seconded by David Rosengren. Motion carried unanimously, with Tom Carroll abstaining. Tom Carroll and Jane Siris noted they would recuse themselves from participation in the hearing, as members of the Essex Yacht Club.

6. **New Business**

- **Discussion Re: 10 Foster Lane and Conservation Easement.**

Carey Duques reminded the Commission about language about a conservation easement that was placed on a formal subdivision mylar for the Mitchel – Foster subdivision without any additional details included. The property owner/applicant wishes to remove the reference to the “conservation easement” from the formal subdivision mylar. There is also a separately-owned parcel of open space in the development, held by the subdivision development. Chairman Smith asked about development of the separate open space property, and Attorney Shipman stated that it was unbuildable. Mark Reeves asked whether the Commission had the authority to remove the reference. Attorney Shipman stated that the subdivision mylar did not reflect the approval of the Commission, and the overall subdivision has the sufficient amount of open space that the Commission required at the time. Robert Day stated that he would likely abstain from acting on this matter, as he was uncertain about the precedent. Jeff Lovelace suggested contacting the Conservation Commission about the matter, and Mark Reeves stated that the Conservation Chairman Kay Tucker had no records of this matter. Peter Fleischer asked about the historic assessment and taxation of the property.

Cameron Evangelisti, the owner of 10 Foster Lane, the property in question, reviewed the valuation of his property and demonstrated the difference in notation and documentation between traditionally-placed easements and the lack of any documentation on his property's purported easements. He reviewed the historic mapping of the property. John Guskowski and Larry Shipman discussed the formal action the Commission could take on this matter.

Motion to remove the reference to conservation easement across 10 Foster Lane (Lots 3 and 4) from the record subdivision mylars of the Mitchel – Foster development on the condition that the Conservation Commission issues a letter stating it has no objections by Mark

Reeves, seconded by David Rosengren. Motion carried unanimously, with Peter Fleischer and Robert Day in abstention.

- PZC Budget 2024-2025

Carey Duques distributed the proposed 2024-2025 budget and reviewed proposed expenditures. She recommended keeping the office supply line item stable and clarifying the status of the CT fee line item. She noted that Attorney Shipman's expense is in the legal account and John Guskowski's expense is in the Land Use Department account.

Motion to approve the budget as presented by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

Motion to add discussion of 46 Main Street, Essex to the agenda by David Rosengren, seconded by Mark Reeves. Motion carried unanimously.

- 46 Main Street, Essex, Addition

Carey Duques presented the application, which would be an addition to an existing property at the corner of Novelty Lane and Main Street which will be in excess of 4,000 square feet. The addition, however, is very likely not visible from the River or the public way, which may allow for an exemption from Special Exception consideration or a more straightforward site plan. She referenced Section 101 of the Zoning Regulations and discussed the existing plans and survey information available. The Commission discussed the proposed additions and what was visible from the River and the public way. Carey Duques does not have comments yet from the Gateway Commission. Robert Day suggested that unless the Gateway Commission recommends that a Special Exception is not necessary, he would recommend a full application be submitted. The Commission, by consensus, agreed with this position.

7. Appointments/Reports from Committees and Officers

- Lower CT River Valley Council of Governments Regional Planning Committee
 - o Regional Housing Committee: David Rosengren reported on the Housing Committee's holiday gathering, as well as the legal appeal of the Town of Chester's affordable housing application.
- Economic Development Commission: Robert Day stated that he was absent from the most recent EDC meeting.
- Plan of Conservation and Development: John Guskowski noted that the PoCD would be due by October, 2025 and requested that the Commission share its approach of conducting the update within the Commission itself or would prefer to establish an
- VR Zoning Text Amendment Committee: An update and proposed amendments would be prepared and presented at the February meeting.

8. Staff Reports

- Town Planning Consultant: John Guskowski stated that the Harbor Management Plan draft is complete and will be reviewed by the CT DEEP.
- Land Use Official

- o Essex Glen Update: Carey Duques stated that at the next Town meeting, the Town would be voting on receiving Essex Glen Drive as a Town Road. Other final improvements were delayed until the spring.
- o Short Term Rentals: There are additional amendments proposed that may reduce minimum stay length to as few as 2-3 days and expanding the required proximity of the property owner to the rental property. Another public hearing will be held this winter.

Tom Carroll asked about the former Colonial Market, and Carey Duques stated that a portion of the property would be converted into a DG Market administratively, because it was a grocery-to-grocery conversion. There would remain some additional vacant retail square footage that they would be considering re-use of.

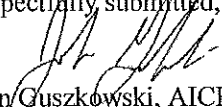
Carey Duques also presented an updated/reprinted the Zoning Map that clarified the zones. Jane Siris proposed that the road receive additional line weight and labeling. The Commission discussed the cartographic details of the Zoning Map.

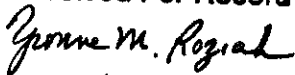
9. Correspondence

There was no additional correspondence.

10. Adjournment

Motion to adjourn by Mark Reeves, seconded by Robert Day. Motion carried unanimously.
Meeting adjourned at 8:59 p.m.

Respectfully submitted,

John Guskowski, AICP
Town Planner (Consulting)

Received For Record

01/03, 2024
Assist. Town Clerk, Essex, CT
@ 9:56 A.M.