



**TOWN OF ESSEX
PLANNING & ZONING COMMISSION**

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING

Tuesday, August 1, 2023 7PM
Town Hall Auditorium and Virtual via Zoom

DRAFT MINUTES

1. Call to Order and Seating of Members

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

2. Approval of the Minutes

- June 27, 2023 Regular Meeting

Motion to approve the minutes by Robert Day, seconded by Mark Reeves. Motion carried unanimously.

Vice Chairman Siris changed the order of the agenda to allow for a report on Essex Glen. Carey Duques reported that Essex Glen is still under construction, and the Town is working with the homeowners and the developer. The Town is reviewing the structural capability of the retaining wall, an island needs to be constructed, and additional planting and seeding needs to take place. Progress is being made, and there is hope that as the summer ends, more planting can be completed.

The President of the Essex Glen Homeowners' Association (HOA), Ben Bossi, addressed the Commission and stated that the HOA had been working with the developer and the Town but expressed concern about the design of the wall, which had changed since its original approval. He stated that the HOA members were concerned about the delay in installation of the landscape island and expressed impatience about the manner in which improvements were being made and reviewed by the Town. Carey Duques stated that she would have Town Engineer Bob Doane respond to these concerns shortly.

3. Public Hearings

- **PZC Application 23-06 Special Exception** under Section 101E.1 of the Essex Zoning Regulations for a wood ramp 4' X 50' within 100 feet of the Coastal Jurisdiction Line connecting to a dock at **1 Teal Lane Essex**. *Applicant/Owner: Carter and Carla Gowrie*

The application was represented by Rob Shickle, on behalf of the property owners. He noted that he also represented a dock application for the property owners before the CT DEEP. He discussed the location of the property on Teal Lane, just past the Town's boat launch ramp. Several wildlife surveys had been conducted, which found several species of concern. The construction and placement of the proposed walkway and dock was designed to eliminate adverse effects to these species. The location of the ramp is just land-ward of the DEEP's coastal jurisdiction line, which is why this is before the Commission. The applicant had been working with Town staff on proper procedures. The application would place a ramp of the same design off to the side of a sensitive wetland area with significant phragmites. The walkway/ramp would prevent small boats from being dragged through environmentally sensitive areas.

Carey Duques noted that this application was before the Commission under the Zoning Regulations' Gateway Standards, which involved activity within 100' of the River, and the goal is to connect water-dependent residential uses to a dock that had been approved. David Rosengren asked about current access, to which Rob Shickle responded that it was currently through wetlands and phragmites area, and that a path through the phragmites, which is an invasive species would be formalized by the ramp. Carey Duques stated that while the Gateway Commission was sent a copy of this application's wetlands documentation, the Special Permit standards of the Commission were being upheld. There was no testimony by the public.

Motion to close the public hearing by Robert Day, seconded by Tom Carroll. Motion carried unanimously.

- **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.*

Attorney Bill Sweeney represented the application on behalf of Greylock Property Group, and was joined by Group owner Ken Navarro and Architect Matt Williams. He outlined the application, which was a text amendment meant to add a new use to the Rural Residence District, and not about a specific development project. If the amendment is approved by the Commission, the application would have to submit a new Special Permit application for a specific development project in an eligible location. He reminded the Commission that they should focus on this legislatively, focusing on the manner in which the proposed amendment meets the Plan of Conservation & Development and Zoning Map and Regulations.

He stated that Greylock has been actively involved in developing a multifamily project in Essex for the past year, working closely with town staff and neighborhood stakeholders. The goal of the project is to allow a wider range of housing types in areas of town that are currently foreclosed by the Regulations from these uses. The amendment text changes the underlying regulations in several key ways: 1) that the project size, of one or more contiguous parcels, was a minimum of 10 acres in size; 2) that the density was no more than one lot per 20,000 square feet of the total project area, which would protect the density and integrity of the surrounding residential neighborhood; 3) that the project needed to have frontage on and direct access to a state highway, which would ensure that proper access with sufficient traffic capacity would be available. A GIS analysis of the town showed that only 13 parcels in the town had sufficient acreage and state highway frontage. Of those 13, five were fronting on Route 9 without direct access. Of the remaining eight parcels, several were already developed, so that the unit count of truly developable and eligible properties was unlikely to dramatically change the development patterns in Essex; and 4) that 20% of the housing to be developed would be set aside as affordable to those

with an income not more than 80% of the area median income. This provision meets the Town's goals of expanding overall housing affordability.

He reiterated that any potential housing project would still have to be evaluated by the Commission on a Special Permit case-by-case basis that assessed individual impacts of that project. He discussed the inclusion of affordable housing percentage in the proposed text and how this met the Town's goals as expressed in the Plan of Conservation & Development. While this application is not about project details, Mr. Sweeney stated that it was important to be clear that the applicant had intentions to develop a property following these Regulations. He suggested that Architect Matt Williams could present a concept that would be possible under the proposed Regulations. A member of the public raised a point of order but was not recognized by the Commission. The Commission discussed the value and wisdom of reviewing a concept plan. Vice Chair Siris asked for a very short presentation, which was provided on an easel/photo board in the Auditorium and was not available electronically for on-line participants to view. Architect Matt Williams presented the goals of the regulations and project to minimize visual and environmental impacts by maintaining a compact development pattern. He offered some visual examples of building renderings that would be compliant with the proposed regulations. Attorney Shipman stated that this was inappropriate to the text amendment proposal. Attorney Sweeney stated that he hoped for a future conversation with the Commission about design of future projects. He stated that the applicant had worked closely with the Town staff and neighbors to develop an appropriate, sensitive design. He asked for a right to rebut any public testimony.

John Guskowski reiterated the difference between a text amendment and a Special Permit development application. Vice Chair Siris clarified that while the Plan of Conservation & Development discussed the need for design standards, this application did not include those standards. Carey Duques stated that the Gateway Commission submitted a letter saying they would be likely in support of the amendment, provided that any development project would be subject to Special Exception review and that the Gateway standards would not be relaxed. Vice Chair Siris placed a three-minute testimony limit and opened the floor to public hearing. Michael Carey, attorney representing a group of residents, stated that the time limit was inappropriate. Attorney Shipman stated that the Commission had the right to place a time limit when it felt appropriate, as long as time was delegated equally.

Phil Nuzzo, one of the founding members of Save Rural Essex, LLC, is concerned that the amendment will substantially change the character of the town, in the area of traffic and septic capacity. He stated that multiple residences were already allowed in other areas of town, and they had retained an attorney. John Gatti from Saybrook Road stated that the Commission dealt with a similar project for a recent map change in Ivoryton, and the PoCD should be consulted for the sufficiency of a project. He stated that a developer should not be able to quickly change the character of a town that had evolved over generations and centuries. He noted an opposition petition had garnered over 100 signatures in two weeks. He believed that an apparent small change could snowball to be a significant and negative impact. John Samburg from Crosstrees Hill Road stated that if the applicant's text was approved, only a maximum of three potential lots could be affected, and thought that a design should be presented instead of a text amendment. Roger Kern from Turnstone Road expressed his opposition, pointing out that the town already had a large area zoned for potential multifamily, and this appeared to be developer-driven spot zoning. He stated that the Rural Residential zone promised homeowners and investors of a low-density, rural development pattern, and the Commission should act in the interests of the town's residents. Robert Annon from Essex Hills Drive stated that the application is specifically about 160 Saybrook Road, which is under contract by the applicant. He stated that the public wasn't properly informed about this, particularly abutters, other than through the Valley Courier.

John Guskowski reviewed the State Statutory requirements for public notification. Linda Nuzzo of Essex Hills Drive asked about the fact of a property being surveyed and soils being tested. She raised concerns about abutting residents, animals, and water quality. Steven Spott from 162 Saybrook Road stated that he was concerned about traffic studies and how properties would access a state highway with a higher-density residential development. He stated that the roadways are dangerous and should be adding significant traffic to roadways. Julie Carroza of Maple Ave stated that she was very concerned about public safety and that outsiders seeking to make a profit did not have the same concern for the safety of the residents of Essex. James Kern from 21 Essex Hills Drive stated that he lived on a private road and was totally satisfied with the current two-acre minimum for development lots. Susan Grillo of Squires Lane stated that the residents love Essex and stated that in the development of a Plan of Conservation & Development, more attention should be paid to preservation of more land, and that much of the land zoned for multifamily hasn't been developed yet, and the town should not allow developers from out of town telling the community what to do.

Attorney Michael Carey asked that a petition in opposition be submitted for the record and that the town staff certify the signatures be sufficient to change the Commission's required vote per Section 8-3(b) of the Connecticut General Statutes, and that the hearing be kept open for purposes of determining the sufficiency of the petition. He stated that he was not comforted by the Special Exception requirement, as the matter would essentially be pre-decided by the fact of the text change. He pointed out that the Rural Multifamily Zone already provided sufficient opportunity to develop a wider range of housing opportunities. He suggested that this was a very significant proposal that would have broader implications for the entire town, because it allowed for the aggregation of smaller properties in the future that could affect many more properties in the future. He argued that as written, this met the definition of spot zoning. From a traffic perspective, he argued that the property at 160 Saybrook Road had insufficient sight lines and grading for access. He argued that existing road and traffic capacity would not be able to handle a higher-density development impact, and a traffic study should be demanded now. Vice Chair Siris discussed the traffic study is not required for a text amendment. Attorney Carey pointed out that there should be a specific reference to Section 130 in the proposed amendment text, and stated that the Regulations should not be changed to allow a much higher density of development on small lots. He reviewed the procedures for adopting zoning regulations from the General Statutes and the Commission's charge under the Zoning Enabling Act. He stated that, as presented, the proposed amendment did not satisfy those standards. He stated that the Commission should weigh whether the development of this type was truly needed and whether the public benefit was increased, and that it did not truly increase the diversity of housing in Essex.

Attorney Sweeney presented some points in rebuttal. He noted that several speakers focused on the number of eligible properties, which was eight, but several faced practical challenges for development. There was the potential for aggregation in the future. He argued that this was not at all spot zoning, which was a zone change that was clearly inconsistent with the PoCD. This was a text amendment of broader application. He noted that public notice was done per State Statute, but in this case, the developer proactively reached out to abutters and neighbors on several occasions to solicit input on the project. He noted that specific traffic analysis was not appropriate at a text amendment stage. He discussed the submission by the opposition's petition was not appropriate, and only applied to zoning map amendments. They did not apply to text amendments, and had no need for certification by Town staff. He discussed that Special Exception reviews were rigorous and not rubber stamps, and that the proposal was a targeted change and not a broad, radical change to the Town's Regulations. The Plan of Conservation & Development stated that expanding the range and affordability of housing and thus supported the text amendment.

A member of the public presented the petition to the Commission, which included over a hundred names generated over two weeks. Mare Rosebaum of Grove Street discussed the passion of the opposition, and stated that this was about one property. Vice Chairman Siris stated that this is not a project for approval.

Attorney Shipman discussed the closing or continuation of the public hearing, and whether the public has had sufficient opportunity to speak. The Commission discussed the ability of the public to speak. Dennis Robida of Cedar Grove Terrace stated that he didn't see anything wrong with the current Rural Residential zone, and that there were many members of the public who hadn't been aware of this hearing.

Motion to continue the hearing to the September meeting by Mark Reeves, seconded by David Rosengren. Motion carried 5-1, with Robert Day in opposition.

4. Unfinished Business/Action Items

- **PZC Application 23-06 Special Exception** under Section 101E.1 of the Essex Zoning Regulations for a wood ramp 4' X 50' within 100 feet of the Coastal Jurisdiction Line connecting to a dock at **1 Teal Lane Essex**. *Applicant/Owner: Carter and Carla Gowrie*

Motion to approve application 23-06 by Mark Reeves, seconded by David Rosengren. Motion carried unanimously.

- **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 for this application has been continued to the September meeting.

5. Receipt of New Applications

There were no new applications received.

6. New Business

- **Release of Foxboro Point Subdivision Bond and Needleman Bond:** Carey Duques stated that this was a project approved in 2012, which included some fees for engineering, planning, and legal review. There were \$350 remaining in the account that the applicants requested to be released on the overall project, and approximately \$1330 remaining for the walking path and easement area. All work has been completed.

Motion to release remaining technical review fees by Chris Riley, seconded by Robert Day. Motion carried unanimously.

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 Regional Planning Commission did not meet, but the Regional Housing Committee did meet and discussed promotion of Accessory Dwelling Units.
- Economic Development Commission: Robert Day reported that there was some discussion of developable properties, including the potential redevelopment of the former Bennie’s property and the former Colonial Market, which per Carey Duques stated may include a food service option and a Dollar General.
- Plan of Conservation and Development: No report
- VR Zoning Text Amendment Committee: Carey Duques stated that the Committee would be meeting later this month to address the issue of expansion of nonconformity. The Commission discussed the disconnection between development patterns and the change from one-acre to two-acre zoning, creating a large number of nonconforming lots.

8. Staff Reports

- Town Planning Consultant: John Guskowski stated that he was nearly complete working with the Harbor Management Commission on their Harbor Management Plan.
- Land Use Official
 - o Essex Glen Update – This item was covered earlier in the agenda.
 - o Short Term Rentals: Carey Duques stated that there was a July 5 public meeting to discuss this matter, and there would likely be another public meeting in the fall.

9. Correspondence

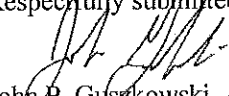
There were no additional items of correspondence.

10. Adjournment

Motion to adjourn by Robert Day, seconded by Chris Riley. Motion carried unanimously.

The meeting adjourned at 9:09 p.m.

Respectfully submitted,


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

Received For Record

Yvonne M. Rozia

08/02, 2023

Assist. Town Clerk, Essex, CT

3:00 P.M. 6