



Received For Record

Maureen Heiman
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Assist. Town Clerk, Essex, CT

@ 8:58 am

TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING
Tuesday, March 5, 2024 7PM

Meeting will be hybrid: 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 7:02 p.m. Seated for the meeting were Members Jane Siris, Mark Reeves, Peter Fleischer, Gary Riggio, Robert Day and Chris Riley. Also in attendance were Alternate David Rosengren, Land Use Official Carey Duques, Commission Counsel Larry Shipman, and Town Planner John Guskowski.

2. **Approval of the Minutes**

- February 6, 2024 Regular Meeting

Motion to approve minutes of February 6 by Gary Riggio, seconded by Mark Reeves. Motion carried unanimously.

- February 23, 2024 Site Walk

Motion to approve minutes of February 6 by Mark Reeves, seconded by Jane Siris. Motion carried unanimously.

3. **Public Hearings**

- **PZC Application 24-1 Special Exception** under 80A.2(D) and 80A.2(T) of the Essex Zoning Regulations to conduct seasonal outdoor events at **11 and 15 Old Deep River Rd., Centerbrook**. *Applicant and Owner: Essex Steam Train Events, LLC.*

Attorney Ed Cassella represented the applicant. He was joined by Maureen Quintin from Valley Railroad. This application was enabled by the re-zoning of the subject parcels to the Commercial District to allow for seasonal outdoor events. The two properties, nine and five acres, abutted and are accessed by the Valley Railroad tracks. The properties were landlocked by the construction of Route 9 and have no direct access to a town road. He described the sort of special events to be held, largely accessed via the Steam Train itself, after parking at the primary Steam Train parking lot. Events currently planned include an Easter Egg Hunt, a circus event in June, a pumpkin patch in October, and several weddings. There would be a gated access for vendors, but that is limited access. Temporary bathrooms, generators for power, and food would be brought in for events only, no potable water lines nor permanent bathroom facilities are proposed. This outdoor facility would allow for larger crowds beyond the capacity of the existing Valley Railroad structures, but in use would be overall consistent with the current use of the Valley Railroad. Mr. Cassella reviewed the proposed use as being harmonious with the Plan of Conservation & Development

and promoted Essex as a vibrant tourist center. The Fire Marshal and Health Director submitted letters approving the proposed use. Chairman asked if members of the community had comments.

Joan Wallace asked how many residential properties this property abutted. Attorney Cassella stated that there were several abutters, but the actual "meadow" area where activities would be taking place were surrounded by forests, hill, and the Falls River, creating a natural buffer. He reiterated that the activity would be taking place on approximately 1/3 acre in the midst of nine acres, plus twenty additional acres across the road of lightly-used properties. Chairman Smith reiterated that this was a Special Permit, and that the property had already received a change of Zone.

Martha Moody asked about the maximum number of attendees as well as evening curfew, noise limits, allowance of alcohol, use of fencing, and crowd control. She was concerned about the Falls River train trestle. She stated that the tracks should be left alone. Attorney Cassella stated that an average event such as a wedding was 100-140 participants, with a maximum event – the circus – about 300 attendees. Maximum evening cut-off time would be 10:00 p.m. There would be event fencing and crowd control, but nothing permanent. Alcohol would be infrequent and subject to the Valley Railroad's liquor permit, but the events would be family-friendly. Noise levels would be at or less than the regular Steam Train noise. Nicholas Garofolo stated that his property was an abutter to the property. He believed that there would be significant additional traffic on Old Deep River Road, which is very narrow and inadequate. He stated that he had major concerns for the use of this property, and wondered whether even events closing at 10:00 p.m. would have extended traffic for shut-down times. Maureen Quintin stated that there would be mostly daytime events and only a small number of evening events. Nicholas Garofolo asked about posting no-parking signs along the gated access road, and Maureen Quintin stated that there was a current no-parking sign posted on the gate, and additional signs would be posted. She also stated that there was no plan for the construction of a railroad siding.

Susan Feaster stated that she believed that the property should not have been changed to Commercial Zone. She stated that the promotion of the property was too intense, and believed that they shouldn't rely on Old Deep River Road for access. She advocated for decibel limits and downward-directed lighting. In response to a question about the railroad tracks being a "greenway," Attorney Cassella stated that the railroad tracks and a 100' ROW were owned by the State and leased to the Valley Railroad. Attorney Cassella stated that the applicant's scope of activities was described in the application. Susan Feaster recommended that the Commission craft a narrow scope of activities. Attorney Timothy Herbst, representing That's The Spirit Shop, an abutting property owner, observed that when changing a zone, the Commission deals with the theoretical. When a Special Permit is proposed, the Commission must continue the concrete potential. He stated that his client's business is alongside the tracks, and the road (Route 153) is closed and backed up, preventing people from accessing the client's property. He believed that the applicant should provide a traffic assessment, or the hearing should be continued so that his clients could do a traffic assessment. Joan Wallace stated traffic in Centerbrook was already excessive, and she was concerned with increased activity and business.

Lucy Bakel-Ernst stated that her father would be very proud of the success of the Valley Railroad, and that the sorts of events that are proposed should be welcome. Carey Duques stated that she met with the applicant and the Health Director, noting that all facilities would be temporary, there would be no storage sheds or train cars on the properties when events were not actively occurring. Chairman Smith asked Attorney Shipman about potential conditions that could be placed on the application. Peter Fleischer asked about ongoing events, and Carey Duques stated that the applicants would be initially bound (without modification) to the events as stated on the application. Peter Fleischer asked about limiting the number of events to the first year to see how it goes. Attorney Shipman stated that a certain amount of time or certain number of events could be dictated and then require a re-application for any changes or expansion. Chris Riley asked Attorney Herbst about the required turn-around for a traffic analysis to be provided.

Attorney Herbst stated that he would get started immediately, and while he was in favor of commercial uses, he wished that the Commission could be certain that the impact would be minimal on other commercial uses. He further thought that formal parking arrangements could be provided to ensure that the traffic was properly managed. Robert Day did not object to having more information, but would be very surprised if the proposed events even approached the traffic impacts of major Valley Railroad events such as Thomas the Tank Engine or Polar Express. Attorney Cassella stated that events as proposed have already taken place, and would actually divert some events from the Valley Railroad traffic itself. He stated that the package store chose to move their business to a building that has been alongside the railroad tracks for over a hundred years, and stated that he did not believe a traffic analysis was necessary. Susan Feaster asked if the applicant was asking for permission or forgiveness. David Rosengren asked about the scheduling of the first events and whether a month's continuation of the hearing would affect events. Attorney Cassella stated that it was possible that there could be event-scheduling disruptions. Peter Fleischer asked about approving a limited number of events so that an analysis of traffic and other impacts be conducted. Attorney Cassella stated that wedding schedule might be affected. Carey Duques stated that she counted a first-year maximum of 20 events. David Rosengren asked about repeating prior events, and stated that the pumpkin patch and Easter egg hunt could probably take place. Attorney Cassella stated that weddings and the circus would not be allowed without a Special Permit.

Susan Feaster asked about signed contracts for weddings for this year. Francis Demello, the owner of That's The Spirit Shop, stated that he believed that the closure of the road because of the train, created problems for businesses and traffic. When the gate gets closed, his business is affected. He believes that the applicant had to provide information.

Motion to continue the hearing to April to allow for a traffic study and to respond to concerns by Mark Reeves, seconded by Gary Riggio. Motion carried 6-1, with Robert Day in opposition.

- **ZC Application 24-2 Text Amendment** under Section 123 of the Essex Zoning Regulations to create the Bokum Corner Development District (BCDD). *Applicant: Essex Planning and Zoning Commission.*

Carey Duques provided a brief introduction, stating that the application is merely a text amendment and not a zone change. There was some confusion among members of the public because of a recent text amendment concerning increased housing opportunity led to the Commission wishing to create its own amendment to create the option for additional housing opportunity. Town Planner John Guskowski presented the proposed text amendment, which was very similar to an approved Special Development District in the Route 9 Gateway area about 18 months ago. He described how the text amendment was enabling for a Master Plan proposal to create a higher-activity use in the Bokum area by landing a Special Development District. He described the Plan of Conservation and Development goals and further described the high level of oversight and latitude that the Commission would have over any potential development proposals.

Greg Ellis asked about the Bokum area in general, part of which sits on an aquifer, and much of the other parts of the property have a perched water table. He stated that the Town should perhaps do an environmental analysis of the area before allowing anything. John Guskowski stated that the burden of demonstrating engineering suitability would be on applicants and developers, but nothing would be approved without assurances of public health, safety, and welfare. Jennifer Ahern asked for clarification of the text amendment, a map change, and a special permit proposal, and John Guskowski restated the process.

Following some technical difficulties with Zoom, the Chairman turned over the hearing to members of the public. A member of the public recounted some traffic difficulties in the Bokum area, concerns about the Town's character, and questioned the Commission on the purpose of the amendment. The Commission discussed the specific regulations proposed relative to minimum project size, height, coverage, and other elements.

Robert Vitari stated that the public has had very little involvement in crafting and reviewing this application. He expressed concern about a prior text amendment for Greylock Properties, and stated that over a hundred properties would be affected in order to benefit a single mysterious property owner.

Alan Field stated that he believed that the proposal was inappropriately encouraging high-density development, and that such a wide-ranging proposal should be brought to referendum. He stated that any needs for such high-density development should be more fully articulated. He reviewed the Affordable Housing Appeals Act and the Town's Affordable Housing Plan. He stated that the housing goals were unlikely to be met, and normalizing higher-density use was inappropriate.

Betty reviewed the Plan of Conservation & Development and asked about the map change process for the Special Development District. Carey Duques reviewed the process for a single property owner or group of property owners to apply for a map change with the Special Development District. Michael Miller stated that zoning, by its nature, changes or increases the value of land.

Motion to continue the public hearing until April by Mark Reeves, seconded by Jane Siris. Motion carried unanimously.

- **PZC Application 24-3 Text Amendment** under Section 123 of the Essex Zoning Regulations to create parcel standards for nonconforming non-waterfront parcels located in the Village Residence Zone. *Applicant: Essex Planning and Zoning Commission.*

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

4. Unfinished Business/Action Items

- **PZC Application 24-1 Special Exception** under 80A.2(D) and 80A.2(T) of the Essex Zoning Regulations to conduct seasonal outdoor events at **11 and 15 Old Deep River Rd Centerbrook**. *Applicant and Owner: Essex Steam Train Events, LLC.*

The public hearing for this agenda item was continued to the April PZC meeting.

- **PZC Application 24-2 Text Amendment** under Section 123 of the Essex Zoning Regulations to create the Bokum Corner Development District (BCDD). *Applicant: Essex Planning and Zoning Commission.*

The public hearing for this agenda item was continued to the April PZC meeting.

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The public hearing for this agenda item was continued to the April PZC meeting.

5. Receipt of New Applications

- **PZC Application 24-4 Special Exception** under 70A.2(B) of the Essex Zoning Regulations for a new nail and hair salon at **12 Main Street Essex**. *Applicant: Maria Malla and Owner: 12 Main LLC*

Carey Duques noted that any change of use from office space to personal service in the Essex Village requires a Special Permit process, and did not believe that there was a way around that. She also noted that the April meeting was set for April 2, which is Connecticut's primary and the meeting may have to be rescheduled. Attorney Shipman stated that as inconvenient as it is, the process must be followed.

Motion to receive the application and schedule the public hearing for the April 2, 2024 PZC meeting by Mark Reeves, seconded by Jane Siris. Motion carried unanimously.

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 – There was no report
- Economic Development Commission – Robert Day had no report
- Plan of Conservation and Development – There was no report

8. Staff Reports

- Town Planning Consultant – John Guskowski had no important matters to report.
- Land Use Official
 - o Essex Glen Update – Ben Bossi of the Essex Glen Homeowners' Association questioned whether the Town engineer had received any updates from the developer. Carey Duques sent a letter to the developer, via Attorney Royston, seeking an update on the status of the retaining wall and was waiting to hear back. Attorney Shipman reviewed options, and Chairman Smith directed staff to coordinate on next steps. Other residents of Essex Glen expressed dismay about the Town's enforcement of the development standards. Chairman Smith stated that there were still several years before the project approval expired. The Commission discussed the landscape bond vs. the road and other improvement bonds. Chairman Smith asked for an accounting from Attorney Royston about bond amounts outstanding.
 - o Short Term Rentals – Carey Duques stated that there would be a public hearing on the proposed Ordinance on March 13th hosted by the Board of Selectman. Recent modifications included the owner needing to live in Essex, own only one rental unit, and require a two-day minimum stay.

9. Correspondence

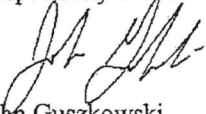
There was no correspondence.

10. Adjournment

The Commission had a discussion about the technical problems with the meeting.

Motion to adjourn by Mark Reeves, seconded by Jane Siris. Motion carried unanimously.
Meeting adjourned at 9:37 p.m.

Respectfully submitted,



John Guskowski
Town Planner (Consulting)