



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING - AGENDA
Tuesday, January 4, 2022 7PM

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:04 p.m. In attendance and seated for the meeting were regular members Robert Day and Mark Reeves, Alternate Tom Carroll (seated for Jane Siris), Alternate David Rosengren (seated for Gary Riggio), and Alternate Jeff Lovelace (seated for vacancy). Also in attendance were Town Counsel Larry Shipman, Land Use Official Carey Duques, Town Engineer Bob Doane, and Planning Consultant John Guskowski.

2. Approval of the Minutes: December 7, 2021 Regular Meeting

Motion to approve the minutes of December 7, 2021 made by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

3. Public Hearings

- a. **PZC Application 21-12 Special Exception** under Section 90 proposing a 12,325 sq ft addition to the existing building to be used for Boar's Head business and for rental space in accordance with uses permitted at **49 Plains Road**. *Applicant/Owner: Piage Management Corp (Received December 7, 2021)*

Town Engineer represented the applicant on behalf of Piage Management Corp. He distributed exhibits providing detail of the proposed building expansion. He described the 2-acre property that is in two separate zoning districts (Business and Light Industrial) and provided an overview of the surrounding business uses. Boar's Head intends to occupy approximately 1/3 of the new building and then lease out the remaining square footage to other businesses that would be allowed in the Industrial Zone. He reviewed the parking, drainage, and stormwater details. One additional loading dock is proposed. The buildings would be separate but connected by a corridor. The sanitary system for the main building will be relocated, and a new system will be installed for the new building. Final approval is still pending from the Town Sanitarian, and Mr. Doane requested that the hearing be kept open until the Sanitarian approval is granted. The stormwater system is designed to retain the first inch of runoff. The parking is proposed to be gravel and pervious to encourage infiltration. He then reviewed the proposed landscaping and planting plans, much of which will need to be planted after site construction is completed, but further landscape details will be submitted in the next month.

He reviewed the architectural floor plans that show the relationship and layout of the original building, including interior changes, and the proposed addition. He summarized by stating that despite being in two different zones, the coverage and other elements complied with the Industrial Zone, which is where all the structure and activity is taking place.

Chairman Smith asked about how many rental units could be tenant-occupied, and Mr. Doane stated that there would be up to 8 tenants and calculated the parking as warehouse and distribution. Chairman Smith asked about truck traffic for deliveries, and Mr. Doane suggested that there were at least a dozen delivery trucks needed for overnight parking. Tom Carroll asked about the service area for the distribution, and Mr. Doane stated that this would be primarily Connecticut but may expand. This expansion is seeking to serve the Big Y retail operation. With expansion, this may lead to increased truck traffic, but Mr. Doane did not estimate the specifics of volume and timing. Mr. Carroll asked about a traffic study, and Mr. Doane stated that one was not conducted. Jeff Lovelace clarified that there were currently 15 trucks in operation, and that there would be an additional 5-10 trucks with expansion, as well as tractor-trailers delivering the bulk quantities. Mr. Doane clarified that Plains Road, a state road, has excellent site lines and turning radii for trucks entering and exiting the road. Hours of delivery are undetermined at this time, but are generally off-hours. Chairman Smith asked about the different parking calculations, which would eliminate building size if the Business Zone parking standards were used. Carey Duques stated that public signage and newspaper notifications were published.

Ken Bombaci stated that the applicants have been very good neighbors and expressed no concern about potential truck traffic. He stated that more business and industrial uses are welcome in Town. Robert Viteri from 51 Plains Road expressed concerns about stormwater runoff and requested that a professional review the grading and stormwater drainage.

Chairman Smith asked Attorney Shipman about the regulations that governed for a split-zone property. Attorney Shipman stated that he would do some additional research, but in this case, only the access strip with no structural use or activity would be in the Business Zone. He will report back to the Commission. Mr. Doane clarified that the current driveway was approximately 15' wide.

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

- b. **Receipt of PZC Application 21-14 and Public Hearing Special Exception** under Section 60A.2(D) proposing to convert the existing public wellness center and spa into a private wellness center housing no more than eight (8) suites plus the existing ranch house at **63 South Main Street Essex**. *Applicant/Owner: Essex House LLC*

Motion to receive the application by David Rosengren, seconded by Chairman Smith. Motion carried unanimously.

Chairman Smith opened the public hearing and invited Attorney Terry Lomme to present on behalf of the applicant. The property is 2.79 acres, with three existing buildings. He reviewed the property history, which included a convalescent home with up to 45 residents, plus three apartments and a small ranch house. There were several use changes, including a day spa and wellness center, and have received several variances for uses. The request is to convert the main building into 8 residential suites (abandoning the day spa use), remove the garage apartment building, and retain the ranch building. The proposed use would reduce traffic in and out of the facility. There would be some food preparation for residents, but most meals would be taken off-site. The architectural design of the renovations are being done by George Penniman, which would not result in a larger footprint. Ann Penniman is proposing to do landscape design, with the concept to restore the original sea-captain property sensibility. There would be no treatment taking place on-site, and most patients/clients would not have vehicles during their stay, further minimizing traffic flows. There would be no retail activity, no commercial signage or lighting.

Chairman Smith asked about the smaller garage accessory structure and the ranch house. Attorney Lomme responded that both would remain, one for storage, and the other for staff lodging. He stated that he did not have a formal letter of review and approval from the Town Sanitarian, but did not anticipate any issues, given the substantially reduced occupancy and projected water flows. The site is served by public water. Tom Carroll asked about short-term residential stays and the definition of the proposed use. Attorney Lomme stated that this is not a residential rental, it was the lodging associated with a treatment program that had a minimum stay of two weeks. Attorney Shipman stated that it fit under use described in Section 60.A.2 under care center for treatment purposes. Carey Duques asked about licensing of the use. Attorney Lomme clarified the services provided and that this did not fall under state regulated group homes or treatment centers. David Rosengren sought clarification on the proposed clientele and whether the admissions and client policy were in writing. Attorney Lomme stated that there was a screening process, but not a specific definition for burnout or other client needs. Heidi Kunzli, the property owner, described the screening process. The target client is the high-end executive with anxiety, burnout, and other treatable stress concerns. David Rosengren asked what could be pointed to for process. Ms. Kunzli pointed to her facility's website for service descriptions. Mr. Rosengren also clarified the maximum occupancy for clients at the facility.

Mark Reeves asked about future users that might be allowed via this Special Exception. Attorney Lomme stated that the permit would be bound by the description of use provided. Jeff Lovelace asked about caretakers or contact information, and Attorney Lomme stated that there was a contact number for questions or concerns, and emergencies would be handled by 911. Carey Duques stated that the use would run with the land, but the specific use would be bound by the terms of the description of use. Attorney Lomme stated that a reasonable condition would be that there was a maximum number of occupants, and all occupants would be clients of the wellness program.

Chairman Smith asked for questions from the audience. Dennis Powers from 67 South Main Street asked about transportation between the site and meals, which would primarily be off-site. Attorney Lomme stated that there would be only two primary vehicle trips during the day – one in the morning going off-site and one returning in the evening. Theresa Douglas from 69 South Main Street welcomed this proposed use as new neighbors and stated that Prive Swiss was a very quality operation. Cindy Loeffler from 60 South Main Street asked to clarify the website, which is priveswiss.com.

Motion to close the public hearing by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

4. Old Business/Action Items

- a. **PZC Application 21-12 Special Exception** under Section 90 proposing a 12,325 sq ft addition to the existing building to be used for Boar’s Head business and for rental space in accordance with uses permitted at **49 Plains Road**. *Applicant/Owner: Piage Management Corp (Received December 7, 2021)*

Public hearing was continued to the regular meeting in February.

- b. **PZC Application 21-14 Special Exception** under Section 60A.2(D) proposing to convert the existing public wellness center and spa into a private wellness center housing no more than eight (8) suites plus the existing ranch house at **63 South Main Street Essex**. *Applicant/Owner: Essex House LLC*

Motion to continue discussion on application to February meeting by Jeff Lovelace, seconded by Mark Reeves. Motion carried unanimously.

- c. **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, and November 9, 2021)*

Carey Duques stated that there is no update, but anticipated progress by March. Enough units have sold such that the ownership of the project has been turned over the new homeowners’ association for management, but there was still a bond in place.

5. Receipt of New Applications

There were no new applications for receipt

6. **New Business**

- a. **PZC Application 21-13 Site Plan** under Section 45 proposing the reconstruction of an existing detached garage to be rebuilt and used as an accessory dwelling unit at **10 West Avenue**. *Applicant/Owner: Thomas Nichols*

Thomas Nichols discussed the proposed project that would rebuild the garage, which is need of repairs, and suggested that the footprint would be used for the accessory apartment. Architect John Beveridge, on behalf of the applicant, discussed the proposed construction project. The Commission discussed the roofline, and Carey Duques stated that the building was existing nonconforming and thus could not extend beyond current dimensions. Mr. Beveridge discussed architectural design, meant to reflect the character of the existing structures. There would be no addition to the parking or driveway. The Commission discussed the layout details, which included one bedroom and one bath. There is no final approval from the Town Sanitarian yet, for the separate septic system. All proper signs have been posted.

Motion to approve by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

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

- a. **Lower CT River Valley Council of Governments**
Jane Siris was not present, but Carey Duques noted that progress on the Regional Housing Plan was continuing and there was another public meeting on January 24th, which would be followed in February by a local presentation and discussion of affordable housing goals.
- b. **Economic Development Commission**
Robert Day stated that last meeting was cancelled.
- c. **Plan of Conservation and Development**
There was no update at this time.
- d. **Cannabis Subcommittee**
Carey Duques stated that the subcommittee met to begin reviewing the new state laws concerning cannabis and would be meeting again next week.

8. **Staff Reports**

- o **Town Planning Consultant**
Discussion Re: Accessory Dwelling Units – John Guskowski presented his proposed markup of changes to the Accessory Apartment regulations that would be required should the Town wish to come into compliance with Public Act 21-29. The alternative would be opting out of the state standards, which would require both a supermajority of the PZC and the Board of Selectmen. He reviewed the Commission's options on revision or opting out. He then reviewed the proposed markup that would bring the Town's current Section 45 into compliance with the State Statutes. The Commission discussed the options and process. Chairman Smith suggested that the Commission review and receive the markup as an

application at the February meeting. Jeff Lovelace questioned the owner occupancy provisions, and the Commission discussed that the Statute was silent on occupancy. Chairman Smith suggested inviting First Selectman Needleman to the next meeting for discussion.

o Land Use Official

Carey Duques stated that she received a liquor permit for Carlson's Landing for outdoor entertainment for acoustic music. The Commission discussed the terms of amplification of music. Attorney Christopher Murano represented the applicant and distinguished the proposed, limited music from other concerts or outdoor events. An identical permit has already been granted to the prior owner, with no complaints. Chairman Smith asked if a 9 p.m. closing time would be an acceptable condition. The Commission, led by David Rosengren, reviewed the approval process for liquor permits. Carey Duques stated that this specific use was not directly covered in the regulations.

Motion to direct the Zoning Officer to approve the liquor permit application by Tom Carroll, seconded by Jeff Lovelace. Motion carried unanimously.

9. **Correspondence**

There was no correspondence.

10. **Adjournment**

Motion to adjourn by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously. Meeting adjourned at 9:26 p.m.

Respectfully submitted,



John P. Guskowski, AICP
Town Planning Consultant

Received For Record

Gronne M. Rozial

01/05, 2022
Assist. Town Clerk, Essex, CT

@ 12:44
P.M.