



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING

Tuesday, April 5, 2022

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Smith convened the meeting at 7:01 p.m. Seated for the meeting were Chairman Smith, Members Jane Siris, Gary Riggio, Robert Day, Chris Riley, and Mark Reeves. Seated for a vacant seat was Alternate David Rosengren. Also in attendance were Alternate Jeff Lovelace (joined at 7:15), Commission Counsel Larry Shipman, Land Use Official Carey Duques, and Town Consulting Planner John Guskowski.

2. Approval of the Minutes

- March 1, 2022 Regular Meeting

Motion to approve minutes by Gary Riggio, seconded by Jane Siris. Motion carried unanimously.

3. Public Hearings

- **PZC Application 22-03 Proposed Text Change** under Section 123 of the Essex Zoning Regulations proposing a **text amendment to Section 40.L** removing the sentence “except for maximum building coverage where portions of any lot are in different districts”, omitting the carve out for maximum building coverage and still requiring a special exception permit
Applicant/Owner: Piage Management Corp.

Attorney Michael Sweeney represented the applicant, who is looking to develop a parcel that spans two zones. He proposes that the process for determination of maximum coverage in these situations be subject to a special exception process and up to the Commission. Robert Vitari, neighbor to the applicant, stated that he was not able to determine the impact of any particular application as to its effect on neighbors or traffic. Applicant’s engineer Bob Doane stated that this would be decided on a case-by-case basis by the Commission. In this case, a text change did not require neighbor or abutter notification. The Commission discussed some of the text amendment history on this issue. Robert Vitari asked that the hearing be continued because he hadn’t been given sufficient time to analyze the issue.

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

- **PZC Application 22-04 Special Exception** under Section 101J of the Essex Zoning Regulations proposing demolition of the existing single-family residence and replacement with new single-family residence exceeding 4,000 sq ft at **11 Clark Lane** (Map 17 Lot 12).
Applicant: Brooke Girty, Architect; Owner: Douglas and Sharon Chan

Carey Duques proposed that the public hearing be continued to the May meeting to allow the applicant to complete a ZBA variance process.

Motion to continue public hearing to May by Robert Day, seconded by Jane Siris. Motion carried unanimously.

- **PZC Application 22-05 Special Exception** under Section 80 of the Essex Zoning Regulations proposing a fitness center to occupy approx. 4,250 sq ft of the 16,000 sq ft building at **35-41 Industrial Park Road Units 23 and 24** (Map 44 Lot 27-23 and 24) aka **40 Main Street, Centerbrook**. *Applicant: MPower Health and Fitness, LLC c/o David Mulford; Owner: Herbert T. Clark III D/B/A Clark Development.*
APPLICATION HAS BEEN WITHDRAWN

- **PZC Application 22-06 Special Exception** under Section 80 of the Essex Zoning Regulations proposing a pharmacy to occupy approx. 4,865 sq ft of the 16,000 sq ft building at **35-41 Industrial Park Road Units 22, 25 and 28** (Map 44 Lot 27-22, 27-25 and 27-28) aka **40 Main Street, Centerbrook**. *Applicant: Nutmeg Pharmacy c/o Christopher Olander; Owner: Herbert T. Clark III D/B/A Clark Development*

Chris Olander, the pharmacy owner, presented, stating that he had run out of space in his current location and the location across the street presents a perfect opportunity for expansion. There was a question about a potential drive-through, and Mr. Olander stated that he did not intend to add one, and the building and site did not lay out properly for one. Chairman Smith asked if there was sufficient parking, and Mr. Olander stated that there should be sufficient customer parking in front and employee parking in the rear. Carey Duques clarified that the interior layout of the proposed site was modified following the departure of the fitness center.

Bob Doane stated that he believed that this was a very positive development for Centerbrook. Attorney Terry Lomme stated that he was supportive of the proposal. Carey Duques stated that there was a letter of support from Karl Kaufman, and that the Town Sanitarian did endorse the change of use. She also presented the proposed property signage.

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

- **PZC Application 22-08 Proposed Text Change** under Section 123 of the Essex Zoning Regulations proposing a **text amendment to Section 45** Accessory Dwelling Units to ensure compliance with Public Act 21-29 *Applicant/Owner: Planning and Zoning Commission.*

Carey Duques and John Guskowski restated the purpose of this modification, which is to come into compliance with Public Act 21-29, allowing for accessory apartments to be as-of-right uses. The same standards would apply to the apartments that applied to the principal residences.

Motion to close the public hearing by Robert Day, seconded by Jane Siris. Motion carried unanimously.

4. **Old Business/Action Items**

- **PZC Application 22-01 Proposed Zone Change** under Section 123 of the Essex Zoning Regulations proposing a zone change for **3 Pratt Street** (Map 47 Lot 115) from Village Residence District (VR) to Essex Village District (EV) *Applicant/Owner: Bushnell Management, LLC*

Jane Siris stated that she was in favor of the change, and the Commission had a short discussion generally finding consensus in that direction.

Motion to approve the zone change with an effective date of April 29, 2022 by Chris Riley, seconded by Gary Riggio. Motion carried unanimously.

- **PZC Application 22-02 Proposed Zone Change** under Section 123 of the Essex Zoning Regulations proposing a zone change for **54 Main Street** (Map 47 Lot 23) from Waterfront Business District (WF) to Essex Village District (EV) *Applicant/Owner: Annelisa Santoro*

The Commission discussed the matter briefly.

Motion to deny application for zone change by Jane Siris, seconded by Gary Riggio. Motion carried unanimously.

- **PZC Application 22-03 Proposed Text Change** under Section 123 of the Essex Zoning Regulations proposing a **text amendment to Section 40.L** removing the sentence “except for maximum building coverage where portions of any lot are in different districts”, omitting the carve out for maximum building coverage and still requires a special exception permit *Applicant/Owner: Piage Management Corp.*

The Commission discussed the issue briefly, and there was general support for a special exception process, which would give the public the opportunity to comment on specific proposals.

Motion to approve the text change, effective April 29, 2022 by Chairman Smith, seconded by Mark Reeves. Motion carried unanimously.

- **PZC Application 22-04 Special Exception** under Section 101J of the Essex Zoning Regulations proposing demolition of the existing single-family residence and replacement with new single-family residence exceeding 4,000 sq ft at **11 Clark Lane** (Map 17 Lot 12). *Applicant: Brooke Girty, Architect; Owner: Douglas and Sharon Chan*

Public hearing was continued.

- **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)*

Town Engineer Bob Doane stated that he was satisfied with the submitted, revised plans and had conducted inspections that verified the changes, and that the Town has sufficient bonds in place to cover any needed improvements. He discussed some of the improvements and modifications with the Commission, including the guiderail changes, access for electrical and water utilities. The current water extent will remain for the time being. The Commission discussed the remaining houses to be built within the development.

Carey Duques noted letters from the homeowners' association about maintenance concerns about the developer, including drainage issues. Bob Doane recommended requiring a schedule of final improvements before the bond expires.

Motion to approve the proposed modifications to Subdivision Plan with a revision date of March 30, 2022 by Chairman Smith, seconded by Jane Siris. Motion carried unanimously.

- **PZC Application 22-06 Special Exception** under Section 80 of the Essex Zoning Regulations proposing a pharmacy to occupy approx. 4,865 sq ft of the 16,000 sq ft building at **35-41 Industrial Park Road Units 22, 25 and 28** (Map 44 Lot 27-22, 27-25 and 27-28) aka **40 Main Street, Centerbrook**. *Applicant: Nutmeg Pharmacy c/o Christopher Oldender; Owner: Herbert T. Clark III D/B/A Clark Development*

Motion to approve application 22-06 by Chairman Smith, seconded by Gary Riggio. Jane Siris expressed a concern about pedestrian traffic going back and forth across Main Street in between retail facilities. There was discussion about pedestrian signalization for safety. Chairman Smith requested that the Town look into safety improvements. **Motion carried unanimously.**

- **PZC Application 22-08 Proposed Text Change** under Section 123 of the Essex Zoning Regulations proposing a **text amendment to Section 45** Accessory Dwelling Units to ensure compliance with Public Act 21-29 *Applicant/Owner: Planning and Zoning Commission.*

Motion to approve text change, effective April 29, 2022 by Jane Siris, seconded by Mark Reeves. Motion carried unanimously.

5. **Receipt of New Applications**

- **PZC Application 22-07 Special Exception** under Section 80 of the Essex Zoning Regulations proposing a barber shop to occupy approx. 1,500 sq ft at **45 Plains Road** (Map 45 Lot 26) *Applicant: Meagan Foley; Owner: Ken Bombaci*

Motion to receive application and schedule for a public hearing in May by Chairman Smith, seconded by Mark Reeves. David Rosengren clarified the definition of "dry barbershop" as one that did not use shampoo. **Motion carried unanimously.**

6. **New Business**

Carey Duques presented some proposed signage for Surfridge Brewery to replace existing Witch Hazel property signage. She noted that per the Heritage Gateway Regulations any signage changes need to be reviewed and approved by the Commission.

Motion to amend the agenda to add proposed signage for Surfridge Brewery by Robert Day, seconded by Mark Reeves. Motion carried unanimously.

Motion to approve revised signage for Surfridge Brewery by Chairman Smith, seconded by Mark Reeves. Carey Duques discussed the proposed signage revisions.

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

- **Lower CT River Valley Council of Governments**
Jane Siris stated that she resigned from representing the Town on the Regional Planning Commission and would ask for a different Commissioner to volunteer.

Most meetings would be held via zoom. Carey stated that she would be able to help represent the Town.

- Economic Development Commission
Robert Day stated that there was nothing significant to report. Carey Duques reported on some new business activity, including Surfridge Brewery.
- Plan of Conservation and Development
John Guskowski stated that there was no report on this issue.
- Cannabis Subcommittee
Carey Duques stated that the Committee had met, and was debating several options, and Attorney Shipman would be presenting some proposed draft regulatory language to the Committee. David Rosengren led a discussion about the federal legislative discussions about legalizing cannabis.

8. Staff Reports

- o Town Planning Consultant
John Guskowski updated the Commission on the Essex portion of the Regional Housing Plan. He will meet with Carey and a small group and propose to have a draft of the Essex annex by the next Commission meeting.

He also reported that the Harbor Management Commission was almost complete with their update of the Harbor Management Plan, which would probably be available for review by the public within a month. Finally, he reported on the status of bridge and sidewalk grants for River Road.

The Commission discussed installation of rumble strips in the median of state roads.

- o Land Use Official
Carey presented a letter that would be going out to local restaurants clarifying the state's extension of outdoor dining provisions, but that this did not authorize outdoor entertainment.

The Commission had a general discussion about outdoor dining, entertainment, and maintenance of dining and parking areas. The application process and guidelines would be finalized and distributed.

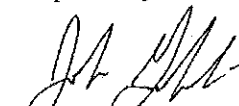
9. Correspondence

There was no additional correspondence.

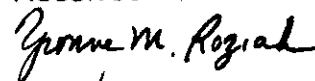
10. Adjournment

Motion to adjourn by Robert Day, seconded by Jane Siris at 8:29 pm.

Respectfully submitted,


John P. Guskowski, AICP
Town Planner (Consulting)

Received For Record



06/07, 2022
Assist. Town Clerk, Essex, CT