



# TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426  
Essex Town Hall

**REGULAR MEETING**  
Tuesday, July 5, 2022 7:00 PM

## DRAFT MINUTES

### 1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:00 p.m. In attendance at the meeting were Regular Members Mark Reeves, Jane Siris, Robert Day, Chris Riley, and Gary Riggio. Seated for the vacant member seat was Alternate Jeff Lovelace. Also in attendance were Alternates Tom Carroll and David Rosengren, Land Use Official Carey Duques, and Consulting Planner John Guskowski.

### 2. Approval of the Minutes

- June 7, 2022 Regular Meeting

**Motion to approve the minutes of June 7, 2022 by Jeff Lovelace, seconded by Mark Reeves. Motion carried unanimously.**

### 3. Public Hearings

- **PZC Application 22-12 Special Exception** under Section 101J for construction of a new single family home exceeding 4,000 sq ft within the Gateway Conservation District at **14 Mill Road** (Map 17 Lot 11-1). *Applicant/Owner: Jonathan and Kaitlyn Weiss*

Professional Engineer/Land Surveyor Michael Ott represented the applicants. He noted that the applicants are looking to develop a new single-family residence on a currently vacant lot on Mill Road. He described the location and condition of Mill Road, which is a private lane accessible off of North Main Street just south of point at which it becomes River Road. The Falls River Mill Pond adjoins the property to the north, and it falls within the Gateway Conservation District. While the footprint of the house is less than 4,000 in size, the total floor area is more than 4,000 square feet, which therefore requires a Special Exception from the Planning & Zoning Commission. All activity is proposed outside the Upland Review Area of the Falls River wetlands. The Commission discussed the differences in jurisdiction between wetlands, floodplain/coastal jurisdiction, and Gateway. Because there is no activity within the upland review area, the applicant does not need to apply to the Wetlands Commission. The Commission discussed the building elevations relative to Gateway requirements of 35 feet.

The Gateway Commission provided a letter of commentary with proposed conditions, which noted the proposal complies with both local zoning and Gateway regulations. The letter also requested several conditions of approval:

- 1) Before any further site work, vegetation clearing or any other activity is commenced at the site, the developer, the site engineer, the ZEO, and a representative of the of the Gateway Commission shall meet on site to discuss the limits of vegetation clearing and removal. No work shall commence until such meeting has occurred.

- 2) A brightly colored tape delineating the 50-foot line beyond which no vegetation cutting shall occur and no heavy equipment shall be operated be marked and confirmed adequate in writing by the ZEO before site work is commenced.
- 3) The developer shall have the height of the structure (peak of the main roof) surveyed as measured from the point where the foundation is exposed at natural grade before any backfilling occurs on the Falls River Cove side of the house to confirm that the height meets the 35-foot maximum height requirements of Section 101D, Building Height (Conservation District) and Building Height (Definition). This survey should occur when the framing of the roof allows for such measurement and not after completion of construction.
- 4) There shall be no excessive lighting of the site and the structure (architectural façade lighting) nor up-lighting of trees in order to minimize excessive lighting of the Falls River Cove, neighboring properties, and the night sky in the area of the property. Only lighting required for safety purposes and incidental/customary use of the exterior of the property will be permitted at the site.

Jane Siris asked about the determination of the building square footage, and Mr. Ott referenced the definition found in the Essex Zoning Regulations. Jane Siris also noted that there were no room sections or delineation of habitable rooms. Michael Minton of Clark Lane spoke, seeking clarification of the permitting requirement for the structure. Carey Duques provided some background on the requirements of the Gateway Commission, including the nine standards the Planning and Zoning Commission must find before approving the project. There was a discussion between the Commission and the Mintons about another large property being developed in the area, which was not visible from the Connecticut River. Susan Malan clarified whether the Gateway's conditions are binding or are just suggestions. Chairman Smith clarified that they were suggestions that could be formalized into conditions. Robert Day asked about the differences in square footage depicted on the site plans, and Jane Siris stated that the heated square feet and the massing of the walls explained the difference.

Carey Duques noted that the project was still below the 10% lot coverage. Michael Ott stated that there is no current swimming pool proposed. Paul Carman, an abutting property owner, asked about the stormwater drainage. Michael Ott explained that the infiltration systems are subsurface and will not be visible on the surface. Carey Duques noted that a B-100a application has been submitted to the Health Department, but a determination of septic suitability has not yet been provided. Michael Ott provided further clarification of proposed square footages.

Carey Duques summarized the "review criteria" that the Commission is required to consider per the Gateway standards. Chairman Smith called for any further comments on the application. Mr. Minton clarified that the Commission did not have the jurisdiction to regulate a 4,000 square foot building differently than a 4,800 square foot building. Carey Duques noted the Gateway conditions should help limit the visual impact of the property. Michael Ott stated that he anticipated that construction would get underway within a few months. Jane Siris noted that full building plans should be submitted prior to the final approvals. The Commission discussed the requirements of septic system design. Jeff Lovelace asked about the proposed heating and air conditioning systems relative to neighborhood noise. Carey Duques noted that the Essex Zoning Regulations did not address locations of mechanical systems. Chris Riley noted the investment that the applicants were making.

**Motion to close the public hearing by Robert Day, seconded by Gary Riggio. Motion carried unanimously.**

4. **Unfinished Business/Action Items**

- **PZC Application 22-12 Special Exception** under Section 101J for construction of a new single family home exceeding 4,000 sq ft within the Gateway Conservation District at **14 Mill Road** (Map 17 Lot 11-1). *Applicant/Owner: Jonathan and Kaitlyn Weiss*

**Motion to approve subject to the four recommended requirements from the Gateway Commission and subject to approval by the Health Department by Robert Day, seconded by Mark Reeves.** Jane Siris stated that the applicants should submit a complete set of building drawings with sections for each room. **Robert Day amended his motion and Mark Reeves seconded the amendment to add a further condition that complete building plans must be submitted. Motion carried unanimously.**

5. **Receipt of New Applications**

Carey Duques presented Application #22-14 for a proposed conversion of use at 90 Main Street, Unit #108A from an existing office use to a pilates studio (fitness), which requires a Special Exception. Susan Malan presented briefly for the applicant. Carey Duques summarized the statement of proposed use for the Commission.

**Motion to receive the application and schedule a public hearing on Application #22-14 for August 2, 2022 by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.**

6. **New Business**

- Discussion of Cannabis Regulation

Chairman Smith stated that a formal text amendment proposal would be presented to the Commission in August for receipt and scheduling of a public hearing to take place in September or October. David Rosengren stated that the ad-hoc committee did produce several proposed regulations for consideration. Chairman Smith stated that he requested Attorney Shipman to draft the regulation for receipt.

**Motion to amend the Zoning Regulations to prohibit the sale of cannabis by Jeff Lovelace as defined by the Connecticut General Statutes.** The Commission discussed the specifics of the motion, which was withdrawn by Jeff Lovelace.

John Guskowski clarified the role that Attorney Shipman will be playing, which would include summarizing the input and presenting a single proposed text amendment that the Commission could receive in August and schedule for discussion and debate at a public hearing in September or October.

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

- Lower CT River Valley Council of Governments Regional Planning Committee

Carey Duques reported that the Regional Housing Plan draft was presented in late June and is now soliciting comments from the region's residents.

- Economic Development Commission

Robert Day stated that there was no major update from the EDC. A letter regarding downtown business owner/employee parking was circulated and plans for Ferry Street pedestrian improvements were discussed.

- Plan of Conservation and Development

This is an ongoing matter with no report at this time.

## 8. Staff Reports

- Town Planning Consultant

John Guskowski reported that he was working on a STEAP grant for improvements to Hubbard Field including parking improvements and modification to the existing bathroom and refreshments stand.

- Land Use Official

- o **Essex Glen Update** – Carey Duques introduced Attorney David Royston for a summary. Attorney Royston stated that there are two regulatory approvals under the jurisdiction of Planning & Zoning: the subdivision approval of 2007/08 and the Special Permit for the development of the 26 residential units as approved in 2015. He reviewed deadlines and correspondence, as well as the rights available to the owners of the additional subdivision lot created. He discussed the bonding expectations and deadlines, which he proposed extending from October to December 1, 2022 should a bond be posted. This request was summarized in a proposed letter to the developer. The Commission discussed the remaining work and the bond amount. Robert Day proposed to increase the bond amount in exchange for extending the bond deadline to ensure the development completion.

**Motion by Robert Day to withhold further certificates of occupancy until the bond matter was resolved, seconded by Mark Reeves. Motion carried unanimously.**

- o **Update on outdoor seating at restaurants** – Carey Duques reported that she has been communicating with restaurants about outdoor dining compliance. The Commission discussed restaurants and outdoor music and sound concerns.

## 9. Correspondence

There was no further correspondence.

## 10. Adjournment

**Motion to adjourn by Jeff Lovelace, seconded by Jane Siris. Motion carried unanimously.** Meeting adjourned at 8:31 p.m.

Respectfully submitted,

  
John P. Guskowski, AICP  
Planning Consultant