



TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426
Essex Town Hall

REGULAR MEETING

Tuesday, September 6, 2022 7PM

DRAFT MINUTES

1. Call to Order and Seating of Members

Chairman Smith called the meeting to order at 7:03 p.m. In attendance for the meeting were Members Mark Reeves, Gary Riggio, Robert Day, and Chris Riley. Seated for Jane Siris was Jeff Lovelace. Seated for new member Peter Fleischer was Alternate David Rosengren. Also in attendance were Land Use Official Carey Duques, Commission Counsel Larry Shipman, and Planner John Guskowski.

2. Approval of the Minutes

- August 2, 2022 Regular Meeting

Motion to approve minutes was Gary Riggio, seconded by Mark Reeves. The Commission discussed the recording of listed height of the additional antennae on the water tower in Ivoryton of 20' as indicated in the minutes. Carey Duques stated that she would review the notes and ensure this number was correct. After research, the figure was determined to be 11', which will be reflected in the minutes. **Motion carried unanimously.**

3. Public Hearings

- **PZC Application 22- 15 Special Exception** under Section 90 (E) 1) of the Essex Zoning Regulations to locate a wellness studio at **23 Saybrook Road** (Map 46 Lot 2)
Applicant: SHIKOBA; Owner: 23 Saybrook Road LLC

Applicant Angela Stevens described the proposed use of the property as a wellness studio. In response to a question about customer volume, Ms. Stevens noted that most activities would be by appointment, but the largest yoga class would be 13 participants. There were no further questions from the Commission or the public.

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

4. Unfinished Business/Action Items

- **PZC Application 22- 15 Special Exception** under Section 90 (E) 1) of the Essex Zoning Regulations to locate a wellness studio at **23 Saybrook Road** (Map 46 Lot 2)
Applicant: SHIKOBA; Owner: 23 Saybrook Road LLC

Motion to approve application #22-15 as complying with Sections 90, 120, and 130 of the Zoning Regulations by Mark Reeves, seconded by Jeff Lovelace. Motion carried unanimously.

5. Receipt of New Applications

- **PZC Application 22-17 Special Exception** under Section 101J of the Essex Zoning Regulations to build a new detached one-story barn 22' X 36' at **101 Saybrook Road** (Map 70 Lot 32) *Applicant/Owner: Harwood B. Comstock*

Chairman Smith clarified that the application was necessary because the proposed barn would bring the overall footprint of buildings on the property over 4,000 square feet, which triggers a Gateway Commission review and public hearing.

Motion to accept the application and schedule for a public hearing at the October 4th PZC meeting by Gary Riggio, seconded by Mark Reeves. Motion carried unanimously.

6. New Business

- Discussion about a possible text amendment to the Rural Residence District (RU) pertaining to multiple dwellings and multiple dwelling projects

Attorney Bill Sweeney represented a potential application for a text amendment. His client, Greylock Property Group, was interested in a development opportunity in Essex to add a townhouse development on a property on Saybrook Road. He reviewed the current work of the Group, and their interest in Essex. He discussed the Group's goal of adding additional housing opportunities in Essex without considering an 8-30g affordable housing appeal. Given that the current multifamily regulations are largely restrictive, they were considering expanding opportunities, but in very limited circumstances. This would be an amendment to the potential uses in the Rural Residence (RU) Zoning District, Section 61.A.2. The amendment would make multiple dwelling projects as a Special Exception process, only on lots of larger than 10 acres, with direct access and frontage on a State Highway, with a minimum of 20% of the units set aside as affordable to residents making less than 80% of the area median income (AMI), and with a minimum of 10,000 square feet of area per unit.

Attorney Sweeney stated that there were currently only about four properties that would meet the first two requirements, including the subject property. The affordability requirement would be structured to build the Town's affordable housing stock. He presented that the density is still relatively low, but appropriate for Essex, and certainly for properties without public sewer and water. He demonstrated a potential site, on the easterly side of Essex Hills Drive, how a project might look. Architect Matt Williams, presenting for the applicant, showed images of development types for a site of this nature. He stated that a site of this type, deep and wooded, would be largely invisible from the street, and the overall density was not out of character with the residential area. He discussed the value of a project such as this, adding a mixed-income development, and demonstrated, with elevation drawings, the importance of a 35' height, which is the maximum height of the underlying RU zone. Commissioners asked about the location of the proposed site and the private status of Essex Hills Drive. Attorney Sweeney asked for feedback from the Commission about the concept of adding the potential of a lower-density multifamily development under the proposed limited circumstances.

Chairman Smith asked about septic system design and approach on this type of project. Attorney Sweeney reviewed state requirements and discussed how the project would likely involve a lot split to comply with state standards for septic system size. The language of the amendment would

likely be adjusted to be a 10-acre minimum per total project size, but not individual parcel size. Applicant Ken Navarro stated that some soil testing had taken place to confirm suitability of soils for development. Chairman Smith asked about the one-way/out layout. Matt Williams stated that the design engineer thought it would be sufficient, but review would need to take place by the Fire Department. Attorney Sweeney sought feedback from the Commission. Carey Duques noted that this would be a two-step process, first having a text amendment and second with a Special Exception development application. Ken Navarro discussed the overall project vision of expanding housing options. Carey Duques reviewed the proposed density with several existing multifamily developments in Essex.

David Rosengren asked John Guskowski about the affordability requirements, and he replied that the proposal actually tracked both the Town's Special Development District's affordability requirements and the State's "Incentive Housing" affordability structure. He contrasted this with the other affordable developments in Town. Attorney Sweeney elaborated on the proposal's approach to affordability. Chris Riley asked about the potential magnitude of the investment in Essex. Ken Navarro stated that this project would be in the overall development range of \$20 million. Chris Riley stated that this was very thoughtful and exciting from a development standpoint. Robert Day asked about bedroom count, and stated that he would prefer that a development of this type be located along a sidewalk network. He also stated that ownership units would be preferable to rental units. John Guskowski talked about the future sidewalk network, and how the applicant would provide income calculations for rental or sales. Attorney Sweeney clarified that zoning regulations generally needed to be agnostic to ownership/rental structure but stated that Greylock's model was generally an ownership model. Attorney Shipman stated that homeowners' association documents could limit rental percentages and could be provided as a condition of approval. Jeff Lovelace noted traffic on Essex Hills Drive and the numbers of houses coming off the road and asked about the traffic in the area. Attorney Sweeney stated that a full traffic analysis would be conducted to ensure proper sight lines and a safe condition. Matt Williams discussed the very low traffic generation of residential housing, and the fact that the proposed regulations are very similar in most ways to existing multifamily regulations. Gary Riggio stated some concern with potential secondary access, and Matt Williams stated that the Fire Department's input would be taken into account. Ken Navarro discussed a potential boulevard entrance to increase access points. First Selectman Needleman asked about bedroom counts, which would be approximately 96 units, across two lots. The applicants discussed the subdivision approach to individual septic systems and meeting public health code. The Commission also discussed regulatory tweaks needed and the universe of potential development opportunities in Essex. Chairman Smith noted that the input had been generally positive. First Selectman Needleman stated that he personally would like to see more of the units affordable at the 60% AMI level.

- Modification to **PZC Application 17-6 Special Exception** to change fence requirement to plantings at **two rear lots behind 70 Plains Road (Map 53 Lots 13 and 13-1)** Applicant/Owner: *Little Red Caboose LLC c/o Michael Belanger*

Carey Duques stated that the application was originally approved by Special Exception in 2017 for boat storage. The approval stated that a fence with gate be required for screening, and the applicant is seeking to replace a section of the required fencing with landscape plantings for adequate screening, particularly along the residential properties. Some existing 9-10' arborvitae would be moved to provide sufficient screening. The owner, Michael Belanger, highlighted the superior screening ability of the arborvitae. Attorney Shipman stated that a condition of approval could be the ongoing health and vitality of the screening planting. Robert Day stated that the current conditions of approval hadn't been followed, and some guarantees of the compliance of

any modification would need to be provided. First Selectman Needleman stated that enforcement of screening compliance is of utmost importance, as the visibility of the property is significant, and neighbors and residents have repeatedly complained. Robert Day requested a map showing where fencing was installed, where it is missing, and where it is proposed to be replaced. The applicant described the planting locations and gaps. Mark Reeves concurred that a better map should be provided, and that a cease and desist could be issued to compel compliance with the original terms of the Special Exception approval. Attorney Shipman stated that this should be considered via a full Special Exception modification so that neighbors would be informed. He advised the applicant to submit a full Special Exception proposal with plan.

Motion to deny the request for a minor modification to the Special Exception, without prejudice, by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

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

- Lower CT River Valley Council of Governments Regional Planning Committee

Carey Duques stated that the RPC did not meet in August. John Guskowski stated that RiverCOG would be initiating a regional Housing Committee to assist communities with implementation of affordable housing plans and would be starting the work on a regional Comprehensive Economic Development Strategy.

- Economic Development Commission

Robert Day stated that there was continued discussion on the potential activities that could be undertaken by UConn engineering students.

- Plan of Conservation and Development

There was no report on this item.

8. **Staff Reports**

- Town Planning Consultant – John Guskowski stated that he and Carey had been meeting with potential developers, several of whom would like undertake projects in town which would likely require text amendments to proceed. He also discussed a meeting with the DeVineys, who are still very interested in having the Town protect their property as a small town park, and the recent submission of a STEAP grant for improvements of the Civic Campus and at Hubbard Field.
- Land Use Official – Carey Duques provided a few updates, including:
 - o Essex Glen Update- Carey pointed out a memo provided by Town Engineer Bob Doane about the remaining items to be completed and a cost estimate for completion of those items, relative to the current bond held by the Town. The current bond is insufficient, per Bob Doane, and should be increased by about \$70,000, and extended to December 31. Attorney Shipman asked about the paving schedule, and the closings that were being held up. Attorney Lomme stated that he anticipated paving would be accomplished over the next month, and that would significantly reduce the outstanding bonded amount. Attorney Shipman stated that he recommended the release of four of seven outstanding Certificates of Occupancy that will help fund the public improvements. Bob Doane reviewed the order and amount of improvement installation. The Commission will continue to monitor the progress.

- Short Term Rentals – Carey Duques noted a memo she distributed about different municipal regulatory approaches to short-term rentals/AirBnB units. There are approximately 20 short-terms rentals currently in Town, including individual rooms and entire residences. There have been a variety of concern types, but no noise or party complaints. Current regulations restrict rental terms less than 180 consecutive days. Several towns use both ordinances and zoning regulations. First Selectman Needleman stated that this has become a genuine concern in Town and agreed with the combined ordinance/regulation approach in an effort to preserve residential neighborhoods. He would be in favor of owner occupancy or presence in short-term rental units. Carey Duques circulated a letter from an owner of a current AirBnB unit. Robert Day requested a proposed draft regulation/ordinance could be produced by staff. Essex Resident Frank Hall noted his concern with a rental on Benson Lane, noting parking constraints. Carey Duques stated that she would work on a proposal with John Guskowski.
- Mobile Unit at Bokum Center Plaza – Carey Duques stated that a proposed trailer would be placed in the former Colonial Market plaza for vaccine testing. It would be there between 30-180 days and would be a vehicle-delivered trailer with a generator and low-level but steady visitor traffic. Robert Day asked about the necessity of a generator, or whether a power line could be run from the building. The applicant’s representative stated that the building power could be used if allowed. The trailer would remain in one spot for the entire duration of the stay. The testing would be for vaccine effectiveness to treat Lyme Disease. The hours of operation would be 9 am-5 pm, which only approximately 5 participants/visitors per day. There may also be a small pop-up tent for waiting. Carey Duques clarified that no additional decisions were needed by the Commission, but she wanted to give them opportunity to provide input before she issued permits.

9. Correspondence


There was no additional correspondence.

10. Adjournment

Motion to adjourn by Mark Reeves, seconded by Robert Day. Motion carried unanimously.

Meeting adjourned at 9:24 p.m.

Respectfully submitted,


John P. Guskowski, AICP
Consulting Town Planner