

**JOINT MEETING WITH ESSEX BOARD OF SELECTMEN, PLANNING, ECONOMIC DEVELOPMENT
COMMITTEE AND ZONING COMMISSION
ESSEX TOWN HALL - AUDITORIUM
September 14, 2016 - 5:00PM**

The Joint meeting of the Board of Selectmen, Economic Development Committee, Planning and Zoning was held on Wednesday, September 14, 2016 at 5:00pm. In attendance from the Board of Selectmen were Norman Needleman, Stacia Libby, Bruce Glowac. Economic Development Commission (EDC) attendees were Lon Seidman, Betsy D'Amico, George Sexton and Janet Peckinpugh, Planning attendees were Alan Kerr, John Guskowski, George Sexton, Jane Siris and Gary Riggio. Zoning Attendees were Joseph Budrow, Zoning Enforcement Officer, Jim Hill, Jeffrey Lovelace, Larry Shipman, Bill Reichenbach, Adrienne Forrest, Al Wolfgram. Also in attendance were Susan Malan Economic Development Consultant, Lisa Fasulo, Director of Health, Dave DeLeeuw, Building Inspector, Keith Dolan, Fire Inspector and Kelley Frazier, Clerk.

CALL TO ORDER

The Board of Selectman, Economic Development Committee, the Planning Commission and the Zoning Board called their meetings to order at 5:00pm

APPLICATION PROCESS AND ZONING REGULATIONS DISCUSSION

Mr. Needleman discussed that this meeting was called to facilitate discussions with the Board of Selectmen, EDC, Zoning and Planning to make the process of welcoming new businesses to town easier. He stated that currently Zoning regulations are being reviewed and updated. Mr. Needleman asked for a statement from each Board.

EDC

Mr. Seidman noted that EDC has an advocacy role rather than having authority. Susan Malan, the EDC Consultant, has been meeting with prospective business owners who are interested in finding space in our town and they feel that the process is onerous. He distributed a memo detailing the issues the EDC would like addressed.

Zoning

Mr. Shipman stated that Zoning is ruled by State Statutes. He noted that there are difficult situations in the village. Parking is difficult. Zoning helps protect the integrity of a neighborhood. The Zoning Commission is currently rewriting the regulations to better suit the town's needs and to simplify processes for small businesses. Zoning Commissioner Al Wolfgram also stated that the attitude of the applicant can sometimes impact their ease through the regulatory process.

Planning

Mr. Kerr would like to see the Commissions work more effectively. Planning serves the town through development and implementation through the Plan of Conservation and Development which has five policy goals. It is necessary to persuade the other commissions to use this document. Planning would like to have some influence in the rewriting of the Zoning regulations.

Mr. Wolfgram noted that Zoning is bound by Statutory Codes. There is a process that everyone has to go through for compliance. He does agree that we need to streamline the process. Mr. Needleman thanked everyone who volunteer on the Boards and Commissions and the time and effort they put in. He also stated that Ms. Malan's position brings value to the town for new prospective business owners.

Mr. Glowac emphasized that everyone serving the town are volunteers. He said that the regulations and the application process is very onerous and needs to be made better and easier. It is important that everyone gets the same service, no exception. We need to be organized and streamlined to make this an efficient process.

PUBLIC COMMENT

Janice Atkinson noted that she thought the expectation was to integrate an ongoing dialogue among the three groups. She was surprised that this is not already done. She noted that Zoning is making the changes to the regulations without the other groups knowing and it would be beneficial to include them.

John Guskowski noted that Planning has worked hard to get input from Zoning. As a consultant he works with towns that have joint Planning and Zoning commissions. This has been discussed previously, but it was suggested that representatives from Planning and EDC be on Zoning and that Zoning have representation on their Boards.

Joe Montana asked how many business have tried to come to our villages and have walked away? Timing and miscommunication can be difficult for new businesses. Officials responded that there was not a firm number of businesses that are known to have left out of frustration.

Mr. Needleman noted that it does not make sense to require a permit for the same type of business in an existing space. He said many people do not know that this is required and in some cases leases have been signed and the business owners discover that the permit will not be issued.

Doug Dumaine, Brewer's Shipyard, questioned why the exact same use would require a permit? Mr. Needleman feels that if we have regulations that are not needed we should consider eliminating them. Zoning protects the interest of the town, but some of the regulations are antiquated.

Gerry MacMillan, Southwinds, said that the fees are nominal, but the time involved is huge. She added that regulations should be enforced if they are needed or taken off the books if they are not. Mr. Dumain agrees and asked why have a regulation if it is not followed up on.

Mr. Wolfgram noted that the real estate agents should know the regulations. Banks require that all things are in compliance when issuing a loan.

A representative from the Valley Railroad stated they were interested in the property which was formerly The Iron Chef. There was no guarantee that the town would allow food service in that space so they did not pursue it.

Zoning will review all of the definitions. Consolidation of the districts is being reviewed. There are 14 districts in our town. Form based zoning was briefly discussed. It is a different approach.

Dave Marx asked if a brochure explaining the process was available. Officials responded that there is something in the works to help.

Another resident expressed concern about the vacancies at the Northern part of the village. She is worried about a ripple effect. She inquired if there were any incentives that could be provided to new businesses?

Mr. Needleman responded that Essex is fair for tax assessments, but the rents remain high. A reduction in taxes would not change the equation as rental prices are determined by the property owners. Property owners who live out of town may not care if the space is rented.

Paul Patowski, Ivoryton stated that Zoning permits should be an administrative process. He feels that the town is micromanaging. He suggested making the regulations adjust to the natural limitations.

Mr. Needleman knows there is a desire from the public to make things easier.

Ms. Fasulo noted that there is a value in having a permit for a business. This provides the history of the use of the property. Change of use triggers statutory requirements.

Discussion ensued regarding needed changes to the regulations. The regulations may need to be reviewed more frequently. Mr. Needleman would like a timeline to get this done and if it is too difficult we should consider having professional help. He agrees that a mandatory review should be done every few years. The update is almost complete and now the uses are being reviewed. Mr. Needleman would recommend that Zoning have Susan Malan and John Guskowski included on the Zoning subcommittee at their next meeting. The regulations need to be completed and voted on at a public hearing in the spring. If it is not done by then, professional help will be pursued.

Dave DeLeeuw, Building Official, stated that compared to other towns, our process is more cumbersome. The people he is working with would prefer Zoning to have more authority to make administrative decisions. He noted that he and the Fire Marshall work with code books based on ICC codes which are universal throughout 35 states. Zoning codes are different, and this is confusing. He would like zoning to use the same codes to make it easier and to clarify what is needed.

Keith Dolan, Fire Marshall, requested that when writing the definitions, Zoning should consult with Health, Building and the Fire Marshall to have more consistency. He asked that the descriptions state when Fire Codes or Building Codes need to be addressed. He asked that all incoming applications be published so that staff is aware what work is being done. There should be a spreadsheet for everyone to review.

Jeffrey Lovelace feels that Zoning has been flexible. Zoning is unable to write specific regulations to cover the nuance of what is happening.

Ms. Fasulo thinks it would be helpful to provide guidance for applicants if the Health Department, the Fire Marshall and the Building Official were included early in the process. The requirements can sometimes be overwhelming to a new business in town.

Mr. Needleman thanked the Commissions, Boards, Staff and business representatives for coming to the meeting. He hopes that moving forward we will be able to work together to make things easier

ADJOURNMENT

Upon a motion duly made and seconded, the Board of Selectmen, Economic Development Commission, Planning and Zoning unanimously **VOTED** to adjourn at 6:55p.m.

Respectfully Submitted,

Kelley Frazier, Clerk