

Essex Zoning Commission
29 West Avenue, Essex, CT 06426

November 24, 2014
Meeting Minutes

PUBLIC HEARINGS

Seated: Larry Shipman Chairman, Bill Reichenbach Secretary, Al Wolfgram, Jim Hill and Adrienne Forrest for Susan Uilein. Also in attendance: Jeffrey Lovelace, Attorney Peter Sipples, and Joe Budrow ZEA.

CALL TO ORDER: Larry Shipman, Chairman, called the meeting to order at 7:00pm.

Application No. 14-6 Essex Zoning Commission - a petition to amend Section 111 (Signs and Lights) of the Essex Zoning Regulations.

ZEA gave update since last meeting. Joe has incorporated public comment and notes from October 20, 2014 meeting.

111A - added "no profane language"

Commission Question & Comments:

Restrained inside menu box considered advertising? Menu boxes would be acceptable.

Discussion regarding business vehicles placed for no more than "12 hours" and also size of sign.

111C.2. Discussion regarding signs that wave in the wind – clarify "wave in the wind". Also suggest the sign needs to be placed their own height away from the road. Section needs rewording.

111C.3 Discussion regarding illumination.

111.F.9 size of menu box?

111I. Add that ZEA can use appointee to act on his behalf when ZEA is unavailable.

Public Comment:

State requires commercial vehicle to have business name on it.

Concern about business vehicles placed at home. Zoning regulations do protect commercial vehicles. Concern that interpretation of regulations could be construed differently by next Commission. Commission is trying to prevent bill-board type vehicles strictly placed for advertisement. Section needs clarification.

Question regarding a sign being illuminated (for example: light bulb shining on a sign 24/7) Commission intent is to cut lights illuminating outward and onto the street.

111H.7 requested explanation

Request to lighten regulation because businesses are becoming over regulated by State & Federal Government and are having a hard time doing business. Reiterate that revisions are to update the Town regulations, consolidate them, and make them consistent. Businesses are also looking for consistency and but not over regulation.

Suggestion to review/define the type of signs and review them within the zones. There is a spreadsheet of “sign & type by district” which lists type of signs with certain zones.
Clarification “seasonal” vs. temporary. (temporary is more for event related or grand-opening; seasonal is going by the season, ex. peach season)
Concern over bringing signs in after business hours, suggest make that zone related too.
Discussion regarding off-property & signs on State property.
Mention most of ZEA enforcement is triggered by phone calls.
Intent of update is to have Regulations be clear and consistent.

Motion made by Al Wolfgram to continue public hearing for Application No. 14-6. However, due to conflict, make continuation to a Special Meeting on December 16, 2014, at 7:00pm at the Essex Town Hall . Jim Hill seconded the motion. All in favor. None opposed. Motion carried.

Continuation of Public Hearing:

Seated at this time: Larry Shipman Chairman, Bill Reichenbach Secretary, Al Wolfgram, Jim Hill and Jeffrey Lovelace for Susan Uilein. Also in attendance: Adrienne Forrest, Attorney Peter Sipples, and Joe Budrow ZEA.

Application No. 14-7 – Essex Zoning Commission – a petition to amend Section 60 (Village Residence District) regarding minimum lot sizes and maximum building coverage.

Bill Reichenbach read for the record a letter from the Lower Connecticut River Valley dated Oct 28, 2014, “Subject: Amendments to Zoning Regulations, Section 61, Rural Residential District; Petitioner: Essex Zoning Commission”

Bill Reichenbach read for the record a letter from the Connecticut River Gateway Commission dated Oct 24, 2014 “Subject: Revision of Regulations Regarding Minimum Building Coverage and Lot Size; Petitioner: Essex Zoning Commission”

Larry Shipman read for the record an email from Marcy Balint, CT DEP, Office of LISP, dated November 12, 2014, “Subject: CT DEEP OLISP Comments on Zone Change Referral per CGS Sec. 22a-104(e)- Regulation Amendments to Section 61 Rural Residential District and Section 60 Village Residential District”

ZEA summarized history of revisions.

It is suggested to return to the previous numbers regarding coverage and lot sizes to ease the hardship on development. And, the original intent of previous change was not met.

Amendment is setting new lot requirements.

The new regulation sets 7.5% building coverage for VR, RU & RUM. And noted 60,000sf & 80,000sf min lot sizes for new lots going forward.

Comments & Questions from Commission:

Clarify, previously was 30,000sf 15% and 60,000sf 7.5%? correction, prior to year 2000, VR was 10%.

New regulations are 30,000sf min is 10% and 60,000 is 7.5%. What happens between 30,000 and 60,000? That would be 10% coverage. The 60,000 is from here forward. Should add wording for “a minimum 60,000”.

Need to set a date when 60,000/7.5% will be enacted, which will be the date the revisions are approved.

Attorney Sipples would like to take a bit more time to review and ensure all revisions are clear and fit together with other sections.

Public Comment:

Change is due and is a positive change for the Town of Essex and its' residents.

Motion made by Al Wolfgram to continue public hearing for Application No. 14-7 to a Special Meeting on December 16, 2014, at 7:00pm at the Essex Town Hall. Jim Hill seconded the motion. All in favor. None opposed. Motion carried.

Application No. 14-8 – Essex Zoning Commission – a petition to amend Section 61 (Rural Residence District) regarding minimum lot sizes and maximum building coverage.

ZEA gave outline summary of revisions. Intent to revert back to min lot area for 40,000 sf for existing lots and original 15% max building coverage. Then shall follow chart stating lots created after revision date require a min 80,000 sf and 7.5% max building coverage.

Commission Comments: Other districts within Town have higher building coverages and rarely need variances.

Public Comments: Question to clarify coverage amounts.

Motion made by Al Wolfgram to continue public hearing for Application No. 14-8 to a Special Meeting on December 16, 2014, at 7:00pm at the Essex Town Hall . Bill Reichenbach seconded motion. All in favor. None opposed. Motion carried.

Application No. 14-15 – CT River Foundation at Steamboat Dock, Inc. – an application for a special exception to change the use of a residential property at 57 Main Street, Essex, from residential to a use related to a non-profit maritime museum.

Application was not noticed in the paper in a timely manner and therefore will not be opened tonight. Application has been received.

Motion made by Al Wolfgram to continue public hearing for Application No. 14-15 to a Special Meeting on December 16, 2014, at 7:00pm at the Essex Town Hall. Bill Reichenbach seconded motion. All in favor. None opposed. Motion carried.

REGULAR MEETING

Seated: Larry Shipman Chairman, Bill Reichenbach Secretary, Al Wolfgram, Jim Hill and Jeffrey Lovelace for Susan Uilein. Also in attendance: and Adreinne Forrest Attorney Peter Sipples, Joe Budrow, ZEA.

1. CALL TO ORDER: Larry Shipman, Chairman, called the meeting to order at 8:26 pm.

2. APPROVAL OF THE AGENDA (additions/modifications)

Motion made by Al Wolfgram to approve November 24, 2014 agenda. Bill Reichenbach seconded the motion. All in favor. None opposed. Motion carried.

2. NEW BUSINESS

Motion made by Al Wolfgram to set a special Zoning Meeting for December 16, 2014, at 7:00pm at the Essex Town Hall. Meeting to be held with the conditions that the agenda is consistent with Regular Meeting and include all applications and items that would be placed on the Regular Zoning Meeting, and include the elections for the 2015 Essex Zoning Commission Members. Bill Reichenbach seconded the motion. All in favor. None opposed. Motion carried.

4. OLD BUSINESS

Application No. 14-6 – Essex Zoning Commission

No new discussion. Application & public hearing left open and continued to next month's meeting.

Application No. 14-7 and 14-8 – Essex Zoning Commission

No new discussion. Applications left open and continued to next month's meeting.

Application No. 14-15 – CT River Foundation at Steamboat Dock, Inc.

Application was not opened/ heard this evening and will be continued to next month's meeting.

5. RECEIPT OF NEW APPLICATIONS

Applications No. 14-16 – Essex Veterinarian Hospital – An application for a special exception to allow the veterinary clinic at 114 Westbrook Road to be a 24 hour facility and 7 days a week. (public hearing to be held by January 28, 2015).

Cannot find any "use" on file for the Essex Veterinary Hospital. Further research needs to be done to confirm if there are any current operating conditions, and search for any previous filings on the business. Building is not set up for a dwelling, Staff would only be present if an animal is requiring an "overnight" emergency care stay. Have Applicant check parking spaces. ZEA will confirm if E&S is needed and conduct further research of any previous filings

Motion made by Al Wolfgram to accept Application No. 14-16, no waivers requested, and set public hearing for the next Zoning Commission Meeting date of January 26, 2015. Bill Reichenbach seconded the motion. All in favor. None opposed. Motion carried.

Application No. 14-17 Mark Bombaci – A petition for a map change to allow a 7.27 acre parcel on Bokum Road and the abutting 27.07 acre parcel at 80 Bokum Road to become zoned in the residential Life Care District. (public hearing to be held by January 28, 2015).

And to be reviewed together with:

Application No. 14-18 - Mark Bombaci – A petition for a change in the zoning regulations to section 63 (residential Life Care District) (public hearing to be held by January 28, 2015).

Comments: Application will have to be sent to adjoining Towns, and possibly Planning Department and OLISP.

Motion made by Al Wolfgram to accept Applications No. 14-17 & 14-18 and set public hearing for next Zoning Commission Meeting date of January 26, 2015. Jim Hill seconded the motion. All in favor. None opposed. Motion carried.

Applications No. 14-19 – Essex Glen, LLC c/o Marc Levine – A petition for a change in the zoning regulations to section 63 (Residential Life District) (public hearing to be held by January 28, 2015).

Want to include in AAC Zone, so would be duplicated in both zones.

Motion made by Al Wolfgram to receive Application No. 14-19 and set public hearing for the next Zoning Commission meeting date of January 26, 2015, and referrals should be done if required. Jeffrey Lovelace seconded the motion. All in favor. None opposed. Motion carried.

6. VISITORS & GUESTS – None

**7. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT
Legal Counsel Report:**

Attorney Sipples discussed revisions and updates to By-Laws. Attorney Sipples highlighted some main revisions. ZEA is to receive By-Laws soon and will get copies out to the Commission.

Comment from Commission regarding “signing of the memorandum”. Make it so the Commission can approve a memorandum. If that can be reviewed. Also, if ZEA is unavailable, the Commission can appoint someone to act.

ZEA Report:

POCD next meeting is Dec 11, 2014. Zoning Commission is invited.

Cutty & Fitness on the Water is slated to move which will resolve issue.

Gateway Commission has incorporated EZC comments/ideas regarding Town standards into a package and is meeting with other Towns. Gateway will be visiting Essex Zoning Commission sometime in the spring.

8. OTHER BUSINESS

Fee Schedule: Joe mentioned to review Fee Schedule in the near future. Town is losing funds due to the fact that the Town expenses exceed amount collected from Applicants.

Essex Capital Planning Report: EZC does not have to do a report. Planning Commission will report to them.

9. APPROVAL OF ZONING COMMISSION MINUTES

Correct spelling for "Bombaci".

Motion made by Al Wolfgram to approve October 20, 2014 minutes, with spelling revision. Jeffrey Lovelace seconded the motion. None opposed. Motion carried.

10. CORRESPONDENCE AND PAYMENT OF BILLS

Hold on legal bill from Attorney Sipples for possible correction. ZEA will wait for new invoice from Attorney Sipples.

No independent correspondence received.

11. ADJOURNMENT

Motion made by Al Wolfgram to adjourn meeting at 9:10 pm. Bill Reichenbach seconded. All in favor. None opposed. Motion carried.

Respectfully submitted,

Michelle Roise
Interim Recording Secretary