

**ESSEX ZONING COMMISSION
29 WEST AVENUE**

Monday, August 20, 2012
Town Hall - Conference Room A
Essex, Connecticut 06426
7:00 PM

MINUTES

PUBLIC HEARING

Chair Al Wolfgram called the meeting to order at 7:00 p.m.

Seated for the Public Hearing were Chair Al Wolfgram, Secretary Larry Shipman, Jim Hill, Bill Reichenbach, and alternate Jeff Lovelace for absent Vice Chair Susan Uihlein. Also present were alternate Barbara Zernike, Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow.

1. Application 12-15 – Frank Sciamé, Jr.

- A petition to amend the town Zoning map by relocating a district line on the property of 1 Foxboro Road. This application proposes to extend the district line farther along Foxboro Road to the northeast corner of the property and to then run southward along the property line to North Cove.
(Public hearing to be opened by September 19, 2012)

The referral from the Planning Commission regarding this application was not yet received.

Motion by Larry Shipman and **seconded** by Bill Reichenbach to defer this Public Hearing, **Application 12-15**, until September. **Motion carried.**

REGULAR MEETING

1. NEW BUSINESS

- Discussion and possible vote on **Application 12-4** – A petition to amend the text to zoning regulation section 71 by adding a new section, 71A.5.

Seated were Chair Al Wolfgram, Jeff Lovelace for Susan Uihlein, Larry Shipman, and Jim Hill.

ZEO Joe Budrow reviewed the application regarding the proposed use for the dwelling for a caretaker and the denial submitted by the Planning Commission. He noted that the applicant amended his proposal the same night the Planning Commission's response was to be reviewed. The applicant amended his application

to provide that it is less than 1500 sq. ft., in an existing building and does not constitute more than 5% of the total area of the gross parcel. The Planning Commission is concerned that currently, in existing regulations, there is no focus on the dwelling for a caretaker apartment. It is alluded to in the LI zone, but there are no guidelines or definition. They are concerned that there is no description or limit on the size of such a dwelling or parking provisions. The Planning Commission was also concerned that the regulations don't provide for preserving the character of the building externally, no definition of caretaker, no mechanism to monitor who is living in the apartment at any given time and no guidelines for a spouse or family living there. The Planning Commission developed these comments before the application was amended and has not seen the revisions. They do support mixed use and allowing residential use on such properties. The specific issues were discussed.

The applicant agreed to an extension.

Motion by Jeff Lovelace to table this item and continue **Application 12-14** until September 17th. **Seconded** by Jim Hill. **Motion carried unanimously.**

- **Discussion and possible vote on Application 12-15** – A petition to amend the town Zoning map by relocating a district line on the property of 1 Foxboro Road. This application proposes to extend the district line farther along Foxboro Road to the northeast corner of the property and to then run southward along the property line to North Cove.

The Public Hearing was not opened so this item was not discussed.

Workshop – An upcoming petition to add zoning regulation 40V and 40W to section 40 (Prohibitions) and to modify section 80A.2. (E) of section 80 (Commercial Districts).

Seated were Chair Al Wolfgram, Jim Hill, Bill Reichenbach and Robert Connelly for Susan Uihlein.

Joe Budrow reviewed the changes 40V and 40W. These would prohibit fast food and take-out only restaurants, and any drive-through access to businesses.

The distance of restaurants to intersections and the distance between restaurants are also being addressed. Definition of “fast food” along with several others will be included in the proposal.

Drive up windows are not allowed in the Village district, but are allowed in the business district.

Al Wolfgram shared history on this issue. Restaurants were limited to the septic that could be put in, and then the 10-seat regulation came in. This issue was prompted by a recent application to ZBA and comments from Selectman Needleman at the last meeting. This will be an ongoing discussion. Joe Budrow will continue to draft a proposal.

2. OLD BUSINESS

Motion by Jim Hill and **seconded** by Barbara Zernike to go to Item 4, Visitors and Guests. **Motion carried unanimously.**

4. VISITORS AND GUESTS

- Attorney Christopher Smith and Joseph Armenia
Attorney Smith presented for Joe Armenia, owner of the Industrial Park at 46 Plains Rd. This is a possible zone text amendment to Limited Industrial Zone District to permit contractor uses. There is no current definition for contractor use. Currently in the business zone district 82.A.2, subsection R, permitted uses say “excluding earth moving contractors”. In the LI District under permitted uses, is “construction contractors”. He is looking to have use specifically defined or to put in small contractors as in section R. He proposed a definitional change for small contractor type use so it would be permitted in the light industrial zone. There was discussion on interpretation and past history. A definition change was preferred. Attorney Smith will meet with Joe Budrow and draft some language for a workshop.

3. RECEIPT OF NEW APPLICATIONS

Application 12-16 – in the Business District, this application was regarding the conversion of a building back to a multi-family dwelling.
The checklist was incomplete and it was necessary to look at the waivers. The application process was reviewed. The applicant, Michael Belinger, withdrew the application.

4. VISITORS AND GUESTS

Wally Schieferdecker, alternate to the Gateway Commission, spoke as a private citizen. He asked questions regarding the setback and vegetation buffer in the Gateway regulations in relation to tributaries and associated wetlands. He asked how the process would play out. The intent was for Gateway to review Zoning’s recommendations for language changes and to then come to Zoning with an application. A Public Hearing would take place and the Planning Commission would also review. It will be a lengthy process.
Cindy Shuck asked a question on the definition of caretaker. The definition would be all encompassing.

5. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT

Attorney Sipples reported that the three Bombaci appeals have been withdrawn.

ZEO Joe Budrow reported concern with Dunkin Donuts deliveries on Dennison Rd. He will speak to them to insure deliveries are out in front.

Calamari has expanded their business onto another parcel. They need a special exception to expand the business onto a new parcel. That application will be forthcoming.

The Valley railroad letter will be finished and delivered to their Attorney. They want to expand their building for train repair. It may be an expansion of a non-conforming use.

When the Business District was defined, 6 adjacent lots wanted to be included and then 2 more asked to be included in the Industrial Zone. They are currently commercial. Joe Budrow will contact those property owners to see if they are still interested. Zoning had agreed to address this after the changes were made.

6. CORRESPONDENCE AND PAYMENT OF BILLS

- Memorandums of Decision

Motion by Larry Shipman and **seconded** by Jim Hill to approve the Memorandum of Decision for Application 11-3 Section 82 - Business District effective September 11, 2011. **Motion carried.** Voting were Al Wolfgram, Larry Shipman and Jim Hill.

Motion by Larry Shipman to approve the Memorandum of Decision for Application 11-2, text change for section 90, effective September 11, 2011. **Seconded** by Jim Hill. **Motion carried.** Voting were Al Wolfgram, Larry Shipman and Jim Hill.

Motion by Larry Shipman to approve the Memorandum of Decision for Application 12-1, text amendment to Zoning regulations, a waiver to change "over 55" to "targeted adult". **Seconded** by Barbara Zernike. **Motion carried unanimously.**

7. APPROVAL OF MINUTES

- July 16, 2012

Motion by Barbara Zernike to approve the minutes of the July 16, 2012 meeting. **Seconded** by Bill Reichenbach. **Motion carried unanimously.**

8. ADJOURNMENT

Motion by Larry Shipman to adjourn at 8:35 p.m. and **seconded** by Jim Hill. **Motion carried unanimously.**

Respectfully submitted,

Sandra Meinsen
Recording Secretary