

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

SPECIAL MEETING MINUTES – September 10, 2018

PUBLIC HEARING

Present: Larry Shipman, Chairman
Russ Smith, Vice-Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Jeffrey Lovelace, Alternate Member
Thomas Carroll, Alternate Member

Absent: Susan Uihlein, Regular Member
Robert Day, Alternate Member

Also present: Joe Budrow, Zoning Enforcement Official

CALL TO ORDER: Larry Shipman, Chairman called the Special Meeting to order at 7:00 PM. Seated for the Special Meeting were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Jeffrey Lovelace was seated for Susan Uihlein. Alternate Member Tom Carroll was also in attendance.

Application 17-18 – Essex Zoning Commission – A Petition for a Text Amendment of the Zoning Regulations section 45 adding language to allow residential apartments on the same property as commercial uses.

Mr. Budrow first spoke about how this was last discussed in June. He stated that within the new language, there is a schedule of tasks that the Planning Commission would like to do within the next 5 to 10 years, such as to allow mixed use throughout town, change zoning language, and come up with various concepts.

Under Accessory Dwelling Unit Characteristics, section 45D.1, the Planning Commission would like the regulation to read as follows: “Where any portion of an existing principal building has been continuously used for human occupancy, that portion of the building may be converted to an accessory dwelling unit provided that the conversion shall not increase any nonconforming characteristic. Within development codes, where any portion of an existing building has been used for a commercial activity, apartments may be located on upper floors or to the rear of street-

front uses provided that the conversion shall not increase any nonconforming characteristic”.

Mr. Budrow said there are people in town who would like to have an accessory dwelling unit for their parents. Currently the regulation reads that it has to be a garage or barn function, therefore would be located on a second floor.

Mr. Shipman has concerns about this. He does not think a separate house should be built on a residential lot. He also does not think that two bedroom apartments should be allowed as an accessory use. If on the second floor of a commercial use, two bedrooms would be fine. But as a whole, two bedrooms in a residential unit should not be allowed.

Mr. Shipman asked Al Wolfgram, member of the Planning Commission what his thoughts were. Mr. Wolfgram said that he thinks that converting a single family lot in a single family district into a two family lot in a single family district is a problem.

Mr. Shipman thinks that if the town wants to change the regulation to add apartments, a separate section should be added to the regulations rather than trying to combine everything in to one. Mr. Shipman thinks that having an overlay district is okay as well, as long as it fits into our community.

Mr. Budrow will look at separating commercial use from residential use in the regulations.

Questions and comments were opened up to the public:

Susan Malan, representative of the Economic Development Commission commented that she agrees with Mr. Shipman. She has concerns about the Planning Commissions proposed language as it stands now.

Mr. Lovelace asked Ms. Malan who she felt would want to live in these accessory apartments. Ms. Malan said that as a realtor in town, she talks to many people who are looking for affordable apartments in the village. Especially landlords. Being that they can't charge high rent to their tenants that are running a retail business, landlords are often times looking to have an apartment in the building in order to collect more rent to offset the cost of the property. Ms. Malan also pointed out that many people enjoy living in the village and wouldn't be able to afford a house in town so therefore are looking to rent apartments there.

Mr. Lovelace and Mr. Reichenbach both agree with Mr. Shipman that the commercial regulations and the residential regulations should be separate from one another.

MOTION made by Larry Shipman to continue this application to the public hearing on October

15, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-8 – Essex Zoning Commission – A Petition for a Text Amendment to introduce a newly formatted book of regulations with some additions and deletions of the current zoning regulations. Articles VI, VII to be discussed.

Mr. Shipman would like Mr. Budrow to look into the businesses in town that have temporary signs and are not bringing them in at night, as permitted by town regulation. (A-frames, streamers, flags, etc.) Mr. Shipman is often times noticing these signs on the weekend when Mr. Budrow is not enforcing.

Mr. Wolfgram then reviewed Articles VI and VII of the zoning regulations with the Commission. Some changes were made amongst Mr. Wolfgram and the Commission.

MOTION made by Larry Shipman to continue this application to the next public hearing on September 17, 2018. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-15 – Essex Zoning Commission – A Petition for a Change to the Town Zoning Map proposing a changing of the River Road Residential District to a Rural Residential District. Also, to expand the Heritage Gateway District.

Seated for this application were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Jeffrey Lovelace was seated for Susan Uihlein. Alternate Member Tom Carroll was also in attendance.

Mr. Reichenbach read the legal notice into the record.

It was decided amongst the commission to eliminate the River Road district, which means that the Rural Residential district will take effect for that section of town. This will increase the density in the use of the land, therefore making it more consistent with the rest of the Rural Residential district. Currently the River Road district is now almost a three acre minimum (120,000 square feet) as opposed to a two acre minimum in the Rural Residential district (80,000 square feet).

Mr. Shipman does not think that changes should be made if residents on this section of River Road aren't complaining. He mentioned that the Commission may want to withdraw this application.

MOTION made by Larry Shipman to continue this application to the public hearing on October 15, 2018. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

11. ADJOURNMENT

The next scheduled meeting is September 17, 2018.

MOTION made by Jim Hill to adjourn the Special Meeting at 8:56 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk