

ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – December 21, 2015

PUBLIC HEARINGS

Seated: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman
Jim Hill, Regular Member
Susan Uihlein, Regular Member
Alternate member, Adrienne Forrest
Alternate member Jeffrey Lovelace

Absent: Bill Reichenbach, Secretary

Also present: Joe Budrow, Zoning Enforcement Official
Peter Sipples, Commission legal counsel

CALL TO ORDER: Larry Shipman, Chairman called the Public Hearings to order at 6:59 PM. Seated for both of the public hearings were Larry Shipman, Alvin Wolfgram, Jim Hill, Susan Uihlein, and Jeffrey Lovelace seated for Bill Reichenbach.

Application 15-10 – Essex Zoning Commission – A petition for an amendment to the Town Zoning Map to add nine parcels to the Business District (No time limit to complete public hearing).

Larry Shipman read the notice of Public Hearing as published in The Hartford Courant on December 10, 2015 and December 17, 2015.

Susan Uihlein read for the record the Inter-Board memorandum to Larry Shipman from Alan Kerr, Essex Planning Commission Chairman. The memorandum is dated December 18th.

The memorandum states the Essex Planning Commission neither supports nor opposes this amendment.

Discussion included there were no objections from residents/property owners/abutters per Joe Budrow.

There were no comments from the public.

Motion made by Alvin Wolfgram to close Public Hearing 15-10- Essex Zoning Commission, Susan Uihlein seconded the motion. All in favor. **Motion carried, 5-0.**

Application 15-11 – Bradford and Lindsay Tully, 26 South Main Street.

An application for a special exception to locate a single-story accessory apartment within a detached accessory building. (Public hearing to be completed by January 25th)

Larry Shipman read the notice as published in The Hartford Courant.

Jack Franzen was in attendance representing the applicants. Mr. Franzen is an architect out of Fairfield, CT. The Tully's would like to convert the existing detached 2-car garage into to a heated/habitable structure containing a second floor 1 bedroom apartment above the garage which requires its own septic system.

Mr. Franzen presented a survey of the property.

Discussion included the following points:

- Shuumack Construction has done test holes. It was noted the apartment will have its own septic system.
- It will be guest house not a rental.
- There will be no change to the outside of the structure.
- Egress window will be needed.
- Abutters (within 100ft) were contacted by the town.
- The sign of the public hearing was posted.

Joe Budrow read the last paragraph of letter from the Health Department dated December 14, 2015 for the record.

There were no comments from the public.

Motion made by Alvin Wolfgram to close Public Hearing 15-11- Bradford and Lindsay Tully, Susan Uihlein seconded the motion. All in favor. **Motion carried, 5-0.**

REGULAR MEETING

1. **CALL TO ORDER:** Larry Shipman, Chairman called the regular meeting to order at 7:18 PM. Seated for the regular meeting was Larry Shipman, Alvin Wolfgram, Susan Uihlein, Jim Hill, and Jeffrey Lovelace seated for Bill Reichenbach.
2. **APPROVAL OF THE AGENDA**

There were no changes to the agenda.

3. NEW BUSINESS

Application 15-10 - Essex Zoning Commission

Mr. Wolfgram stated that because there were no comments against this application at the Public Hearing and the planning commission was natural on it, he made a motion to approve.

Motion made by Alvin Wolfgram to approve **Application 15-10 - Essex Zoning Commission** effective January 31, 2015, Jim Hill seconded the motion. All in favor. **Motion carried, 5-0**

Application 15-11 – Bradford and Lindsay Tully, 26 South Main Street

Alvin Wolfgram stated since there are no negative comments at the Public Hearing, a letter from the sanitarian and no visible change to exterior of the building, he made a motion to approve.

Motion made by Alvin Wolfgram to approve with condition that it conforms to the letter from the sanitarian dated 12/14/2015 and is consistent with sections 120 and 130 and 45. **Application 15-11 - Bradford and Lindsay Tully**, Susan Uihlein seconded the motion. All in favor. **Motion carried, 5-0**

4. OLD BUSINESS

No old business. (See other business)

5. RECEIPT OF NEW APPLICATIONS

Application 15-13 – John Finkelday, 33 Plains Road

A petition to amend the Town's zoning map to encompass 33 Plains Road, known as Assessor's Map 45, Lot 20, to be entirely within the Business District (Public Hearing to be scheduled by February 24th)

The goal of this application is that on this property is a single family home and this is not allowed in the in the Industrial Zone, so the goal is to correct this.

It is noted it will be two separate houses on one lot.

The second single family house needs to be conforming. Discussion included the goal was to put it all in one district and then create a lot in the rear.

It was suggested why not do it all at once? Joe Budrow said he can work with the applicant to achieve this.

There are no waivers regarding this property.

Motion made by Alvin Wolfgram to accept **Application 15-13- John Finkelday** and set the public hearing for February 22, 2015 meeting, Jim Hill seconded the motion. All in favor. **Motion carried, 5-0.**

Application 15-14 – Signature Contracting Group, LLC., 21, 27 and 29 Plains Road
An application for Site Plan Review to construct a multi-family affordable housing development consisting of 52 apartment units in three buildings. (Public Hearing to be scheduled by February 24th)

Brandon Handfield, P.E., Civil Engineer of Yantic River Consultants, LLC in Lebanon presented a brief description of the proposed project on behalf of Signature Contracting.

Joe Budrow explained the application came in in pieces beginning last Wednesday up until the day of this meeting.

Mr. Handfield discussed that this project falls under the Affordable CT General Statute and the following was discussed:

- The 3 lots totaling 3.7 acres (currently an abandoned restaurant which is commercial use, and 2 residential properties)
- Zone is in Business District for all 3 properties
- Soils on the site – he explained a lot of exploratory testing has been done)
- Building on each parcel and the plan is to demo all existing structures
- The design of the buildings – Building B (16 units and 2 stories), Building A (24 units, 3 stories), Building C (12 units, 3 stories) for a Total of 52 units
- Access by Plains Road
- 104 Parking spaces – 2 per unit
- Drainage
- Own utilities
- Water
- Fire Hydrants (new)
- No natural gas
- Underground utilities are proposed
- Lighting on property (parking and pedestrian areas)
- Landscaping plan

He stated he believes the proposed project agrees with conservation and development for town with affordable housing. He said the Applicant is very excited about this project.

Discussion was this will have to go to public hearing.

Attorney Sipples asked about the affordable housing statement and zone change. Tim Hollister is the attorney on the project and he will have to answer about the affordable housing and Attorney Hollister was not in attendance tonight to answer questions.

Discussion of the Commission and Joe Budrow included:

Utility easement is in the hands of the attorneys (Attorney Rosetti)

Health Department is working on this and Fire Marshall has seen the plans and will give a letter at the appropriate time

Susan Uihlein states this is a significant application for the town and what is being presented tonight is only a partial picture of the application. She believes the commission needs time to digest this.

Discussions also included the timing of the Public Hearing and the fact there are more items are needed from the applicant (at least 3 more items). Further discussion included they should schedule the receipt for January because of the missing items.

Discussion also included hiring a Traffic Consultant: (possibly David Spears) and to analyze particularly during summer, Thomas the Tank trains and the Christmas trains.

A drainage consultant is needed possibly by Tom Metcalf or Bob Doane.

The septic is being looked at by Department of Health.

Applicant will need to pay for 1 ½ times of the consultants cost per regulations.

Attorney Sipples gave a brief explanation of affordable housing to the Commission. The legislation in 1990 and formula was discussed. He states in order to deny (not that the Commission is looking to deny) an application it would have to be only if there was significant risk to public safety and the risk would have to be more important than public housing. This risk would have to be brought up at the Public Hearing.

Alvin Wolfgram states applicant should get DOT comments and fire chief comments

Joe Budrow will work with applicant to get 3-4 more items to get applicant complete.

This Application was NOT accepted and Application 15-14 - Signature Contracting Group, LLC., will go back to next month and possibly receive then and schedule a Public Hearing.

6. VISITORS AND GUESTS

Visitor: Paul Leach – 7 High Street, Essex came to hear about affordable housing and Cumberland Farms.

7. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT

Attorney Sipples spoke about the appeal to Superior Court by Howard Breads. He stated the plaintiff has moved to withdraw the appeal. The matter is on for informal hearing before a Judge in Middletown for next 2-3 weeks to allow for a withdrawal of the appeal.

Joe Budrow states Cumberland Farms has decided not to submit tonight.

8. OTHER BUSINESS

Route 9 signage – Nothing new this month

Calimari Recycling- Joe Budrow explains Calimari had a special exception for a building which was approved years ago. He states the regulations have to be corrected. Joe Budrow is hearing their Engineer is very busy but he is hoping to be on site next week.

The Commission questions what is the next step on cease and desist would be and Attorney Sipples states an action would have to be brought. The Commission wants to go forward with the cease and desist order.

Zoning Regulations- Alvin Wolfgram reports a meeting happened on Dec 17, 2015 and they are proceeding on reorganizing the existing regulations. The next meeting of the Committee will be at the end of January. They are meeting their goals.

Gateway District – Joe Budrow is expecting them to come in very soon.

- 9. APPROVAL OF MINUTES** (from November 23, 2015) - **Motion** made by Alvin Wolfgram to approve the minutes of the November 23, 2015 meeting, Jim Hill seconded the motion, All in favor, Opposed none. **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

Attorney Sipples submitted a bill in the amount of \$7,627.20 - **Motion** made by Larry Shipman to approve the payment of legal fees, Alvin Wolfgram seconded the motion, subject to the availability of funds, All in favor, Opposed none. **Motion carried, 5-0.**

11. ADJOURNMENT

The next scheduled meeting is January 25, 2016 and will include officer elections

Motion made by Alvin Wolfgram to adjourn the meeting at 8:04, Jim Hill seconded the motion, All in favor, Opposed none. **Motion carried, 5-0.**

Respectfully submitted,
Gayle Capezzone,
Zoning Board Clerk