

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – September 17, 2018

PUBLIC HEARING

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

Absent: Susan Uihlein, Regular Member

Also Present: Joe Budrow, Zoning Enforcement Official

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

MOTION made by Larry Shipman to amend the agenda to first discuss an item scheduled for the regular meeting, **Application 18-18** – **George and Sarah Mayer, 10 Andrews Road**. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0**.

Application 18-18 – **George and Sarah Mayer, 10 Andrews Road** – An application for a Special Exception to add more than 1,000 cubic yards of fill on a property for the potential construction of a single family dwelling.

Bob Doane from Doane Engineering presented on behalf of the client. He stated that they are looking for a special exception because their proposal involves over 1,000 cubic area to fill on the property. He would like to tear down the house and fill the property. He would eventually build another house there. The client would like to put about 1400 yards of material on the site in accordance with the site plans that are submitted. Mr. Doane is requesting that the application be accepted and a public hearing be scheduled.

Mr. Shipman asked if there were any waiver requests. Mr. Doane said no.

Mr. Shipman asked Mr. Budrow if this is a new policy. Mr. Budrow answered. Mr. Daly asked a question about retaining walls which Mr. Budrow answered.

The Wetlands Commission previously had to approve a project such as this but are no longer responsible for reviewing this type of application.

MOTION made by Jim Hill to accept this application and schedule for the next Regular Meeting on October 15, 2018. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

PUBLIC HEARING RESUMED

Application 18-8 – Essex Zoning Commission – A Petition for a Text Amendment to discuss a newly formatted book of regulations with some additions and deletions of the current zoning regulations. Articles III and IV to be discussed as well as other items.

Seated for the Public Hearing were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeff Lovelace and Tom Carroll were also in attendance.

Al Wolfram, member of the Planning Commission and re-write committee for Zoning Regulations then reviewed Article III of the regulations. Some changes were made amongst Mr. Wolfram and the Commission.

Mr. Budrow explained how he had previously written a letter to the Economic Development Commission regarding his thoughts on retail establishments along Plains Road. He referenced a letter from Janet Peckinpaugh, Chairman of the Economic Development Commission. They are not in support of having additional retail spaces along Plains Road, in fear of not having an efficient way to enforce the current regulations through fines or cease and desist orders. They are afraid of the area becoming an eyesore.

Mr. Reichenbach read a letter into the record from Attorney Chris Smith at Shipman and Goodwin, representing his clients Ken and Judy Bombaci. He would like to add retail use both as a principal and accessory use (not to exceed 8,000 square feet) in the business zoning district. The Bombaci's would like to have the retail use added to the use table relative to properties in this district.

Mr. Day recused himself for this application. Mr. Carroll sat in for Mr. Day, who was sitting in for Ms. Uihlein.

Mr. Bombaci spoke. He gave a history of his property located at 45 Plains Road. His property is considered to be commercial use. He listed off several businesses that provide retail services around him, and he is therefore hoping to be able to provide the same on his property.

Al Adinolfi, town business owner, does not see an issue with Mr. Bombaci's request. He thinks that Mr. Bombaci already has adequate parking, etc. to allow retail use on his property.

Mr. Adinolfi asked about the Clark Group building on Route 154. He would like to see the same retail use go in there. Mr. Budrow said that it will be changed once the revisions are officially made to the new zoning regulations.

Mr. Bombaci mentioned that useful retail businesses are needed in the town to help draw others in. Mr. Adinolfi agreed and mentioned that businesses cannot afford to pay the rent at many store front locations now.

Next, article IV of the zoning regulations was reviewed between Mr. Wolfgram and the Commission.

MOTION made by Jim Hill to continue this application to the next public hearing on October 15, 2018. Bill Reichenbach 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 8:32 PM. Seated for the Regular Meeting were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Tom Carroll was seated for Susan Uihlein. Alternate Members Jeff Lovelace and Rob Day were also in attendance.

2. **APPROVAL OF THE AGENDA**

MOTION made by Larry Shipman to approve the agenda as modified. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

3. **RECEIPT OF NEW APPLICATIONS**

Application 18-18 – George and Sarah Mayer, 10 Andrews Road – Continued to the next Public Hearing on October 15, 2018.

Application 18-17 – Essex Zoning Commission – A Petition for a Text Amendment proposing Section 45-1 (Apartments in Commercial Buildings) to allow residential apartments to be located in commercial buildings.

MOTION made by Bill Reichenbach to accept this application and schedule for the Public Hearing on October 15, 2018.

4. **NEW BUSINESS**

Application 18-17 – **Essex Zoning Commission** – A Petition for a Text Amendment proposing Section 45-1 (Apartments in Commercial Buildings) to allow residential apartments to be located in commercial buildings.

MOTION made by Bill Reichenbach to accept this application and schedule for a Public Hearing on October 15, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

5. **OLD BUSINESS**

Mr. Budrow said that **Application 18-14** – **MacBeth Ventures**, has gotten approval of their zoning permit. They are hoping to open the brew pub in January of 2019.

6. **VISITORS AND GUESTS**

None.

7. **REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICIAL**

Mr. Budrow has been working on the inland marine property. He will give another update soon.

8. **OTHER BUSINESS**

Memorandum of Decisions:

- Application 18-14 – MacBeth Ventures, LLC

Seated were Larry Shipman, Jim Hill, Jeff Lovelace, Rob Day and Tom Carroll.

MOTION made by Rob Day to give Mr. Shipman permission to sign the Memorandum of Decision for this application. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

- Application 18-16 – Jane & Keith Bolles

Seated were Larry Shipman, Jim Hill, Jeff Lovelace, Rob Day and Tom Carroll.

MOTION made by Jim Hill to give Mr. Shipman permission to sign the Memorandum of Decision for this application. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

9. APPROVAL OF MINUTES

Two corrections were made:

Bottom of page three:

“Mr. Day had concerns about outdoor seating being near the propane tank”.

Correction: “Mr. Lovelace had concerns about outdoor seating being near the propane tank”.

Top of page six:

“Mr. Lovelace is also in support of this concept. He asked Mr. Domenie if he has seen a change in the market in terms of what size boat people are renting”.

Correction: “Mr. Lovelace is also in support of this concept. He asked Mr. Domenie if he has seen a change in the market in terms of what size boat people own”.

MOTION made by Tom Carroll to approve the minutes of the August 20, 2018 meeting with two corrections. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

None

11. ADJOURNMENT

The next scheduled meeting is October 15, 2018.

MOTION made by Jim Hill to adjourn the meeting at 8:47 pm. Jeff Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon Sullivan-DeLorso,
Zoning Board Clerk