

**ESSEX ZONING COMMISSION  
29 WEST AVENUE  
ESSEX, CT 06426**

**Monday, September 16, 2013  
Town Hall – Conference Room A  
7:00 p.m.**

**MINUTES**

Seated for public hearing, Al Wolfgram, Larry Shipman (Secretary), Jim Hill, Bill Reichenbach, Alternate Barbara Zernike for Susan Uihlein (Vice Chair), Adrienne Forrest, Attorney Peter Sipples and Joe Budrow, Zoning Enforcement Agent. Absent: Susan Uihlein (Vice Chair), Alternate Jeffrey Lovelace.

Call to Order: Al Wolfgram called the meeting to order at 7:05 p.m.

**PUBLIC HEARING**

Application No. 13-11 – Corporate Row Associates – has been verbally withdrawn one and a half weeks ago due to lack of parking and lack of an area for reserve parking. Joe Budrow will get the withdrawal in writing this week so we will see Mr. Dayharsh at a meeting soon in the future when the property is right.

Application No. 13-14 - Connecticut River Foundation at Steamboat Docks – An application for a map amendment.

This application was opened last month. Attorney Terrance Lomme for Connecticut River Museum. Attorney Lomme reviewed the new maps of the Lay property. They want to incorporate the same activities at the Museum into the Lay house. Temporary garage has been removed and a new stairway is now in place between the two properties with the help from Essex Boat Works. He reviewed the coverage issues between Essex Village zoning as well as Waterfront zoning. They have met with the Zoning Board of Appeals and received a favorable response. No questions were posed from Commission. Al Wolfgram requested the reading of the Gateway correspondence. Joe Budrow, ZEA wrote to Gateway and Terrance Downs responded in an email that the map amendment did not meet with their approval. Joe further stated from the memo, that zoning map changes don't require a referral to the Gateway Commission, just regulations.

Additional correspondence from the Planning Commission dated 9/13/13 was read by Larry Shipman endorsing and approving the text and map changes at its upcoming meeting.

A memo was written by Joe Budrow on May 10<sup>th</sup> to Connecticut River Museum regarding 57 Main Street, Essex which precipitated this request knowing the Museum's

activities. Attorney Terrance Lomme responded that the Essex Village district doesn't allow Museums so that is why they requested the change as the waterfront district does as it is Maritime related. Currently, the Lay house property is currently used for administrative offices however; they would like it also to be used for the same activities as the Museum. It also cleans up the lots - no longer being split.

Larry Shipman made motion to close Application No. 13-14, seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 13-17 – Quality Care Drug/Centerbrook, LLC. An application for special exception to locate a pharmacy at 31-33 Main Street, Centerbrook.

Larry Shipman read Public Hearing Notice. No correspondence on file as yet. Per Joe Budrow, a B100A needs to be submitted to Health Dept. Application has gone to Zoning Board of Appeals for a variance to allow 35 spaces where 44 are required at tomorrow night's ZBA meeting. Al Wolfgram indicated without ZBA approval the Zoning Commission cannot act on this application. Greg McKenna, Pres. Quality Care Drug / Centerbrook. Passed around a picture of the community based pharmacy in the proposed location. Mr. McKenna discussed his background and the fact that he currently owns 5 other pharmacies throughout CT. Locally, they have a store in Portland and Higganum. He's comfortable with the parking situation as it stands. Al Wolfgram reiterated that the ZBA and sanitarian approval will be required. Attorney Sipples suggested the applicant review sections 120G and 130A of the zoning regulations and they will describe what he will need to prove for the application to get approved.

John Weinstein, owner of the building at 31-33 Main Street, Centerbrook spoke on behalf of the parking. He is there quite often and never has an issue. The owner of The Cheese Shop, Paul Partica also spoke on behalf of parking and there are no issues in the last 3 years he's been there. Al Wolfgram suggested that they make the same argument with the ZBA. Peter Lucchese, Real Estate Broker representing owner and tenant, asked the Zoning Commission if they could vote on this application tonight based on decision from ZBA tomorrow night. Al Wolfgram indicated no. Mr. Lucchese asked if it is approved tomorrow night at the ZBA meeting, could a special Zoning Commission meeting be held to move things along quickly. Al Wolfgram asked Joe Budrow if he believes the sanitarian may be able to review this within a week. Joe Budrow indicated yes, most likely. Mr. Lucchese stressed the labor trades that need to be called into work on getting the pharmacy set up. Al Wolfgram asked the Zoning Commission if they were okay with calling a special meeting for next Monday night on 9/23. The Commission agreed and this application will extend to special meeting at 7:00 p.m.

Bob Doane, resident, spoke in favor of this application and having had experience with the previous pharmacy in this location and welcomes a return pharmacy.

Barbara Zernike made a motion to extend Application No. 13-17 to a special meeting on Monday, 9/23 at 7:00 p.m. Seconded by Larry Shipman. Passed unanimously. Motion carried.

Application No. 13-18 – Essex Fire Department Association, Inc. – application for special exception to locate a fire training facility on Plains Road.

Larry Shipman read Public Hearing notice. Joe Budrow, ZEA reviewed a memorandum dated March 4, 1986 regarding a Lease Agreement with the fire department and the Town. He also mentioned a Certificate of Incorporation issued by Secretary of State from 1982 and minutes from 1985 indicating property owner getting the land. Joe spoke with Attorney Sipples asking if these documents superseded our Essex Zoning Regulations and he indicated no.

Bob Doane, professional engineer and licensed land purveyor, spoke on behalf of Essex Fire Dept. Association Inc. and the property was conveyed to Association in 1986. It was conveyed with the express conditions of this transfer of title that the property ceases to be used exclusively for a fire department training facility and/or fire department drill or recreation facility. Also, if there is to be any change in Certificate of Incorporation, then the property will revert back to the Town of Essex. Since conveyance the property has been used as such.

Steven Olson, Fire Chief, spoke on use of the facility for monthly training. The slab that is currently next to this building will be used for cutting up cars, etc., necessary for fire training. Training structure will be put on sonic tubes to resemble as much of a house as possible. It is a well needed part of the department. Attorney Sipples indicated because this is a special exception they will need to comply with the standards 120G and 130A. Mr. Olson indicated these are very small controlled burns and are only done 4 or 5 times a year. Paul (a fireman with the Essex Fire Department) spoke to the Commission and indicated it is and will continue to be very minimal and not invasive to neighbors. The Essex Fire Department will be going to Zoning Board of Appeals (tomorrow evening 9/17/13) for permission for the two principal uses on lot being recreational and fire training facility. Al Wolfgram asked them if they wanted to be part of the Special Meeting on Monday, 9/23/13 and the response was yes.

Attorney Terrance Lomme spoke on behalf of Essex Fire Department with regards to working near the firehouse and says it's not an issue to have the training facility in his neighborhood and has no objections.

Larry Shipman made a motion to extend public hearing to Monday, 9/23/13. Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

## **REGULAR MEETING**

Seated for regular meeting were: Al Wolfgram (Chair), Larry Shipman (Secretary), Jim Hill, Bill Reichenbach, Alternate Barbara Zernike for Susan Uihlein (Vice Chair), Adrienne Forrest, Attorney Peter Sipples and Joe Budrow, Zoning Enforcement Agent. Absent: Susan Uihlein (Vice Chair), Alternate Jeffrey Lovelace.

### **APPROVAL OF THE AGENDA:**

Motion made to approve the agenda by Jim Hill. Seconded by Larry Shipman. Passed unanimously. Motion carried.

NEW BUSINESS: Joe Budrow will report during his report

### **OLD BUSINESS:**

Application No. 13-11 – This application was verbally withdrawn.

Application No. 13-14 – Connecticut River Foundation at Steamboat Docks – An application for map amendment.

Motion was made by Larry Shipman to approve Application No. 13-14 – Connecticut River Foundation at Steamboat Dock. Seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 13-17- Quality Care Drug/Centerbrook, LLC – An application for a special exception to locate a pharmacy at 31-33 Main Street, Centerbrook, CT. This application was moved to special meeting on Monday, 9/23/13.

Application No. 13-18 – Essex Fire Department Association, Inc. – An application for a special exception to locate a fire training facility on Plains Road. This application was moved to special meeting on Monday, 9/23/13

### **RECEIPT FOR NEW APPLICATIONS:**

Application No. 13-21 – Paul and Diane Simoneau – An application for a special exception to allow an attached accessory apartment to be located at 21 Lynn Road, Ivoryton, CT.

Joe Budrow discussed this application and that they meet all requirements to go forward for an approval for a special exception to allow an attached accessory apartment to be located at 21 Lynn Road, Ivoryton, CT. They have received health approval and they have also received Zoning Board of Appeals approval for a covered front porch making it above lot coverage.

Larry Shipman made a motion to receive Application No. 13-21- Paul and Diane Simoneau and schedule for October 21, 2013 public hearing. Seconded by Jim Hill. Passed unanimously. Motion carried.

VISITORS AND GUESTS: NONE

REPORT FROM LEGAL COUNSEL & ZONING ENFORCEMENT AGENT:

Attorney Sipples mentioned the Memorandum of Decision has been signed from last month for the nail salon at 31-33 Main Street, Centerbrook, CT

Joe Budrow discussed and upcoming proposal of a 21 unit single building, three floors, to go behind red building by Essex Court. This proposal is going to Zoning Board of Appeals next month. After all variances are received, they will then come to us for approval. Joe Budrow is currently updating regulations and will update on line and in everyone's binders. They will be distributed next month. Bob Doane and Joe Budrow have been reviewing business district lots on Plains Road and amended lot lines on two properties. Joe Budrow continues working on updates to signs and lights regulations. Should be ready for next Monday to receive new application and listed specifically on agenda. Regarding marijuana proposed prohibition, the CT Law has been finalized. We are reviewing current language in our prohibition proposal for the October 21, 2013 meeting.

Al Wolfgram inquired as to whether or not in-law apartments that are approved by Essex Zoning Commission and are continued as approved over years of time are still being considered in-law apartments? Regulations do not currently say it has to be a "family" apartment; however, the actual owner must be on site and live in one of the units.

OTHER BUSINESS: None

Approval of Minutes 8/19/13: Corrections on page 1, 2 and 3,

Page 1: Public Hearing – 3<sup>rd</sup> paragraph, 3<sup>rd</sup> sentence should read:

Joe Budrow asked the Zoning Commission "for their opinion on" the legal occupants (deleted: if they want to challenge).

Same paragraph, 5<sup>th</sup> sentence should read:

"Joe Budrow " (delete: The fire marshal) asks that this application be extended to September.....

Page 2: 4<sup>th</sup> paragraph, 3<sup>rd</sup> sentence from the bottom should read:

Owner's representative – Peter "Lucchese" (deleted: Locazy)

Page 3, 2<sup>nd</sup> paragraph, first sentence should read:

Motion made by Larry Shipman to approve Application No. 13-15, noting this application complies with requirements of section 120 of the zoning ordinance and that “6 parking spaces will be allocated for this business” (added) and that the “2” (added) handicap spaces will be approved with assistance from ZEA, Joe Budrow.

Motion made by Jim Hill to approve minutes with above changes. Seconded by Larry Shipman. Passed unanimously. Motion carried.

#### CORRESPONDENCE & PAYMENT OF BILLS:

Motion made by Al Wolfgram to approve the payment of legal fees based on the availability of funds. Seconded by Larry Shipman. Passed unanimously. Motion carried.

#### ADJOURNMENT:

Motion to adjourn at 8:15 made by Larry Shipman. Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Respectfully submitted,

Yvonne Roziak  
Recording Secretary