

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – July 18, 2016

PUBLIC HEARINGS

Present: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman
Jim Hill, Regular Member
Bill Reichenbach, Secretary
Alternate members, Russ Smith, Jeffrey Lovelace, Adrienne Forrest

Absent: Regular Member, Susan Uihlein

Also present: Peter Sipples, Commission Legal Counsel
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, Alvin Wolfgram, Jim Hill and Bill Reichenbach. Alternate Member Russ Smith sat in for Susan Uihlein.

Application 16-4 – Essex Zoning Commission – An application to amend section 20 of the zoning regulations to change the definition of a rear lot.

Seated for the public hearing were Regular Members Larry Shipman, Alvin Wolfgram, Jim Hill and Bill Reichenbach. Alternate Member Russ Smith sat in for Susan Uihlein.

Alvin Wolfgram questioned if this relates in good form to our subdivision regulations.

Joe Budrow is wondering why the definition of a rear lot changed in 2015. He will research and see what the Planning Commission's opinion was.

MOTION made by Alvin Wolfgram, Vice-chairman to extend the public hearing to August 15, 2016. 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 7:03 PM. Seated for the regular meeting were Regular Members Larry Shipman, Alvin

Wolfgram, Jim Hill and Bill Reichenbach. Alternate Member Russ Smith sat in for Susan Uihlein.

2. APPROVAL OF AGENDA

The agenda was amended to add Norman Needleman, First Selectmen under Section 8, "Other Business".

Motion made by Alvin Wolfgram, Vice-chairman to approve the amended agenda. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

3. NEW BUSINESS

Application 16-7 – Michael and Angela Halperin, 11 Foxboro Road, Essex - An application for a Coastal Area Management Site Plan Review for a new single family home with swimming pool and patio.

Joe Wren, Architect for the project spoke about the changes that the homeowners have made since the last hearing.

Correspondence was provided by the DEEP's Office of Long Island Sound Programs. Marcy Balint, Sr. Coastal Planner submitted a letter to the Zoning Commission in which she made some suggestions. The owner has worked with her recommendations and made changes based on Ms. Balint's comments.

Lisa Fasulo from the Town of Essex Health Department has approved the septic design.

A letter of no opposition was provided by Connecticut River Gateway Commission.

The Wetlands Commission has approved the application.

Motion made by Alvin Wolfgram, Vice-chairman to approve **Application 16-7** being consistent with Regulations 102E 1 and 2 and a condition that it's in compliance with the letter from DEEP, the Health Department, Gateway Commission and Wetlands Commission. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

4. OLD BUSINESS

Application 15-14 – Signature Contracting Group, LLC, 21, 27 and 29 Plains Road, Essex – A resubmission of Application 15-14 to discuss certain conditions approved by the zoning commission.

Attorney Tim Hollister from Shipman & Goodwin presented. He discussed the ten conditions that the Zoning Commission had decided upon. The applicant has accepted six of the conditions, two are being worked on, and the other two the applicant is hoping the Commission will reconsider.

The DOT is taking care of the bike lane. Mr. Wolfgram, Vice-chairman would like a letter from the DOT to augment the letter from Signature Contracting Group's consultant.

Mr. Wolfgram, Vice-chairman also asked for plan elevation and section drawings for comparison with the senior housing complex that was previously approved approximately a year ago.

Motion made by Bill Reichenbach to schedule a public hearing for **Application 15-14** on August 15, 2016. Jim Hill seconded the motion. All in favor, **Motion carried 5-0.**

5. RECEIPT OF NEW APPLICATIONS

Application 16-9 – **Mark Bombaci, Bokum Road, Essex** – An application for special exception to locate 4 duplexes as an Active Adult development on a lot known as Assessor's Map 77, Lot 2.

Joe Wren, Architect for the project presented to the Commission.

The property consists of 10 acres of land, which is the minimum requirement from the Wetlands Commission, and consists of 4 duplex buildings with 2 units in each. There is 66% open space (the Wetlands Commission has a requirement of about 20% open space) which will attach to other open space and eventually attach to the preserve.

Mr. Wolfgram, Vice-chairman requested a parcel map for this project and a copy of a site plan easement from Essex Glen. He would also like a legal description of the 10 acres.

Mr. Lovelace asked a question about the open space and if it could connect to Viney Hill Brook Park.

MOTION made by Alvin Wolfgram, Vice-chairman to accept **Application 16-9** and schedule a Public Hearing for August 15, 2016, with the applicant providing some of the information requested. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Mr. Budrow wondered if an existing building is being voluntarily removed and has a large amount of nonconformities, does the new building require a variance if being built as the same size and in the same location? Mr. Sipples believes that as long as there are no new non-conformities, and the building will be exactly the same as before, then a new variance is not needed. If there is something different in the plans, then a new variance is needed. Mr.

Sipples advised Mr. Budrow to look at a blueprint of the existing building and compare it to the blueprint from the new building to make sure they match up.

Mr. Budrow asked a question about The Essex House, which was previously approved by the Zoning Commission. As of now, their front patio would not have proper access to the building, therefore they feel that creating an elevated deck is necessary in order to get on the same plane as the front entry. Mr. Budrow is wondering if their plan does change, does the Zoning Commission need to see it. Mr. Budrow will soon find out more information. Mr. Wolfgram thinks it will be considered as a minor change by the Commission.

8. OTHER BUSINESS

Norman Needleman, First Selectman spoke to the Commission as ex officio. He wants to be part of the review board for re-writing the zoning regulations to make the town a more inviting place to live in and operate a business in. Mr. Needleman is suggesting that a member of the Planning Commission and a member of the Economic Development Commission also be part of this committee. He thinks that hiring a Town Planner would be a good idea to help with moving the process along. Mr. Needleman stated that moving forward these meetings need to be made public.

Mr. Needleman has asked for a joint meeting to be held in September between the Planning Commission, Zoning Commission, Economic Development Commission and the Board of Selectmen to discuss the current situation of the town. He also briefly discussed form-based zoning and how it relates to the town.

Mr. Wolfgram wants to reconstitute the Committee to add the Board of Selectman. He does not want to hire a Town Planner for a few more months until they are further along with re-organizing the regulations.

MOTION made by Alvin Wolfgram, Vice-chairman to expand the sub-committee for the zoning re-write to include an appointment from the Board of Selectman, therefore making it a 5 member board. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Gateway Commission proposals- Mr. Budrow handed out the comments that the Gateway Commission discussed with the Zoning Commission at the May meeting.

Mr. Wolfgram has a concern about garbage trucks that he has been noticing are driving on routes other than Route 9 to Exit 4, as the Zoning Commission had previously approved. He thinks a letter should be written to these companies that if they don't comply with our regulations, they will be subject to a Cease and Desist Order.

Mr. Wolfgram wants a letter sent to the owner of Estate Treasures requesting a report of their quarterly sales for the year and a reminder that they are only allowed to be open one weekend a month. This business is located in an industrial zone, not a business zone.

9. APPROVAL OF MINUTES

Revision made on page 2, “authorized” should say “in support of”.

Revision made on page 4 to change Mr. Uihlein to Mrs. Uihlein.

On page 5, there was some confusion about what Motion’s were made. It was agreed upon to take out the second “Motion to Approve” and leave the first, third and fourth Motions listed on that page.

MOTION made by Alvin Wolfgram, Vice-chairman to approve the minutes of the June 20, 2016 meeting with some revisions. 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 August 15, 2016.

Motion made by Jim Hill to adjourn the meeting at 8:15 pm, Larry Shipman, Chairman seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk