

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – October 17, 2016

PUBLIC HEARINGS

Present: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman
Jeffrey Lovelace, Alternate (for Susan Uihlein)
Jim Hill, Regular Member
Bill Reichenbach, Secretary
Alternate members, Russ Smith

Absent: Susan Uihlein, Regular Member
Adrienne Forrest, Alternate
Joe Budrow, Zoning Enforcement Official

Also present: Peter Sipples, Commission Legal Counsel

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, Bill Reichenbach and Jim Hill. Alternate Jim Hill sat in for Susan Uihlein.

MOTION made by Alvin Wolfgram to amend the agenda and accept **Application 16-8** as a new application, named **Application 16-8(A) – Planning Commission**. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-9 – Bokum One, LLC, Bokum Road (Cobblestone Court) – An application for a special exception to locate 4 duplexes as an Active Adult Community development on a lot known as Assessor's Map 77, Lot 2.

Mr. Reichenbach read into the record a letter of support from Lisa Fasulo, Health Director, received October 17, 2016.

Mr. Reichenbach read into the record a Memorandum from Attorney Sipples dated October 14, 2016. In the Memorandum, Mr. Sipples reviewed the requirements for a lot area. He feels the applicant is in violation by not having the required 9 acres and should add 0.5 acres of upland to the proposal or to seek a variance or amendment to the regulations.

Attorney Campbell Hudson presented. He and his colleagues disagree with Mr. Sipples Memorandum. He feels since the regulations show two different interpretations, the regulations

state that the Zoning Commission should go with the regulation that benefits the applicant the most.

Attorney Hudson entered a letter into the record from Attorney Mark Branse, who agrees with the applicant that their application should be approved by the Zoning Commission as submitted, based on their interpretation of the regulations.

Mr. Joe Wren from Indigo Land Design presented next. He discussed the changes they made to gain the approval from the Town Engineer on the drainage and the approval from the Town Health Department for the septic system. They had a tree expert come out for inspection and on two occasions the Tree Warden inspected and marked trees that should come down for safety and sightline. He discussed how he strongly believes that the lot lines meet the regulations and make sense. Being that there are two regulations that apply, the Commission should follow the one that most favors the applicant. Mr. Wren also mentioned the letter from Attorney Branse and how he is in support of the applicant's land design.

There were no questions from the public.

Bill Cook, Town Resident spoke in favor of the application.

Mr. Wren and Mr. Hudson stated that they thought it was important to have the decision from the Commission on the land issue by the end of that meeting so they could prepare their next course of action.

Larry Shipman, Chairman was in support of the application. Being that there are two different regulations that could apply, he felt that the applicant should be approved for his original design.

After a brief deliberation amongst the Applicant and those representing him, Attorney Hudson approached the Commission with a slightly revised plan that allows for 9 acres of land without wetlands. If the Commission won't approve the original plan, then they would like the Commission to deliberate and accept the revised plan so the applicant can move forward.

Mark Bombaci spoke on how they would really rather not have to use the revised plan if possible.

Mr. Wren presented the revised plan and showed how the boundary lines would be shifted.

Mr. Smith thought the original plan should be approved because he liked the original design better in that it allows for more open space. Mr. Wolfgram disagreed and would rather have easily available upland.

MOTION made by Alvin Wolfgram to close this application. 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 7:55PM. Seated for the public hearing were Regular Members Larry Shipman, Alvin Wolfgram, Bill Reichenbach and Jim Hill. Alternate member Jeffrey Lovelace sat in for Susan Uihlein.

2. **APPROVAL OF AGENDA**

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

3. **NEW BUSINESS**

Application 16-9 – Bokum One, LLC, Bokum Road (Cobblestone Court) –

MOTION made by Alvin Wolfgram to approve this application with the second site plan, as modified. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-11 – Jonathan and Margaret Morris – An application for a Coastal area Management Site Plan Review for a new single family home with patio.

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

Mr. Reichenbach read a letter from the Town of Essex Health Department to the Zoning Commission, dated October 16th, stating that the proposal is not code compliant.

MOTION made by Alvin Wolfgram to deny this application. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

Torrance Downes from the Gateway Commission came to discuss their standards. It was decided that Gateway should further review their standards and make some revisions. Mr. Wolfgram wants the Gateway Commission to be present for the next meeting on November 28th.

Application 16-8 – Planning Commission – An application for a text amendment to Section 45 (ACCESSORY APARTMENTS). Replacing existing section with new section.

Alan Kerr from the Planning Commission presented. Mr. Wolfgram asked that a referral be made to the Planning Commission. He stated that Section 45 “Accessory Dwelling Units” should be easier to understand.

MOTION made by Alvin Wolfgram to re-accept Application 16-8 and rename it Application 16-8(A). A public hearing is scheduled for November 28, 2016. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-12 – Michael Belanger – A petition for Text Amendment to section 91 of the Essex Zoning Regulations.

MOTION made by Alvin Wolfgram to accept and schedule this application for the next public hearing on November 28, 2016. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-13 – Essex Zoning Commission – A Petition for Zoning Map Change.

MOTION made by Alvin Wolfgram to accept this application and schedule for a public hearing on November 28, 2016. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

4. OLD BUSINESS

None

5. RECEIPT OF NEW APPLICATIONS

None

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

None

9. APPROVAL OF MINUTES

MOTION made by Jeffrey Lovelace to approve the minutes of the September 19th meeting. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Jeffrey Lovelace to approve the minutes of the October 3rd meeting. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

None

11. ADJOURNMENT

The next scheduled meeting is November 28, 2016.

MOTION made by Alvin Wolfgram to adjourn the meeting at 8:39 PM. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Alvin Wolfgram to re-open the Regular Meeting at 8:45 PM. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

A Memorandum of Decision from Attorney Sipples was discussed for Application 16-10 – Signature Contracting Group, LLC

MOTION made by Alvin Wolfgram to approve the Memorandum of Decision subject to three changes and the Commission's further review. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Alvin Wolfgram to re-adjourn the meeting at 8:45 PM. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk