

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – March 20, 2017

PUBLIC HEARINGS

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

Absent: Jeffrey Lovelace, Alternate Member

Also present: Peter Sipples, Commission Legal Counsel
Joe Budrow, Zoning Enforcement Official

CALL TO ORDER: Alvin Wolfgram, Chairman called the Public Hearing to order at 7:00 PM. Seated for the public hearing were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach, Susan Uihlein and Jim Hill.

Application 16-8(A) – Planning Commission – A Petition for a text amendment to the zoning regulations Section 45 (ACCESSORY APARTMENTS). Replacing existing section with new section.

Seated for the public hearing were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach and Jim Hill. (Susan Uihlein, Russ Smith and Adrienne Forrest were not present for the previous hearing involving this applicant, and therefore could not participate in a motion).

MOTION made by Alvin Wolfgram to continue this application to the next scheduled meeting on April 17, 2017. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-2 – River Properties, Inc., 37 Pratt Street – A Petition for text amendment to the zoning regulations Section 71 to allow pre-existing single family dwellings as accessory uses in the Waterfront District.

Seated for the public hearing were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach, Susan Uihlein and Jim Hill.

Attorney John Bennett presented their text amendment to the Commission. He does not think that this change to the text amendment would cause harm to others in any way.

Mr. Reichenbach read a letter into the record from Alan Kerr, Chairman of the Planning Commission, with comments from the Planning Commission in which they recommend that the Zoning Commission approves this application.

Mr. Shipman asked a question for clarification on what changes this amendment would cause for a house in the Waterfront District. Attorney Bennett explained that with this amendment, it could continue to be used as a residential property, could be converted to a waterfront use, or the house could be taken down and rebuilt while being considered an accessory use on the property.

Mr. Bennett explained that a text amendment is needed because as it stands now, you can't have a waterfront use as a principal use and a residential use as an accessory use on a single family dwelling. The applicant is not looking to demolish or convert the house, and is therefore looking for an amendment to have the residence as an accessory use to the waterfront use, while still keeping the residential character of the street.

Mr. Budrow reiterated that the idea is to make all single family dwellings, if they exist, as allowed uses and the waterfront on the property as accessory uses.

Mr. Wolfgram is concerned with preserving the residential character of the street, therefore does not think that a business should be a principal use to the residence.

Mr. Budrow suggested to keep houses in this district as principal uses, and on this particular piece of property, merge it with the boatyard property, therefore sharing the backyard. No new homes coming in would be allowed to do this; it would only be done to make the existing conforming.

Mr. Budrow suggested that the applicant gets a 28 day extension, therefore allowing the Commission time to craft language to allow the applicant to be conforming, and then Mr. Budrow will come back to the April meeting with new language.

The applicant made a statement of clarification to the commission on what his intentions are with the property.

Nick Xenelis, resident at 32 Pratt Street and neighbor to the applicant's property asked a question about the property lines and why they were configured that way. He demonstrated the property lines to the Commission and entered a map into the record. He is in opposition of this text amendment.

Mr. Sipples reviewed the applicable zoning regulations with the Commission.

Mr. Wolfgram read a Memorandum written by Attorney Sipples from March of 2008.

MOTION made by Larry Shipman to close this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-5 – David Perelli – A Petition for text amendment to add new language for minor and major home businesses to sections 20, 60 and 61 of the regulations.

Mr. Reichenbach read the Public Notice into the record. Publication dates were March 9, 2017 and March 16, 2017.

Seated for the public hearing were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach, Susan Uihlein and Jim Hill.

Mr. Budrow explained that the referral from the Planning Commission has not been received by the Zoning Commission, therefore no decision can be made yet.

Mr. Budrow thought it could go under proposed home business regulations that are currently being worked on by the regulations sub-committee. The applicant is looking to buy a house in the Village Residential District. The applicant would like to put his antiques business on the first floor of his house. Currently only 30% of business use is allowed on the first floor. Mr. Perelli is looking to seek a change to the regulations to allow 75% of the first floor to be allowed for business use.

Applicant David Perelli presented before the commission. He currently owns a business in Clinton. He is looking to buy a home in Ivoryton and bring his business there. The language currently maximizes a home to be 30% of a home business. The applicant is asking for this to be changed to 75%. Mr. Budrow may add another section under major as a special exception where 75% of a floor area can be mixed with residential and commercial use in the village.

A business minor would not be a big enough change in the regulations for the applicant since he would need to have the business in his house for a few years until he can renovate his barn. Therefore, this would be a business major.

The commission reviewed and discussed section 60 (Village Residence District) and section 61 (Rural Residence District) of the zoning regulations.

Questions and/or comments were opened up to the public:

Mark Uihlein, resident, feels that this application should be publicized again with clearer language due to the significance of this request by the applicant. He does not feel that there is a large enough audience for this.

MOTION made by Larry Shipman to continue this application to the next scheduled meeting on April 17, 2017. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-6 –Michael Belanger, 70 Plains Road – An application for special exception to allow an inland marine to be located on an interior lot behind 60 and 70 Plains Road.

Mr. Reichenbach read the Public Notice into the record. Publication dates were March 9, 2017 and March 16, 2017.

Seated for the public hearing were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach, Susan Uihlein and Jim Hill.

No correspondence was submitted to the commission pertaining to this application.

Applicant Mr. Belanger presented to the commission.

He is looking to have a building erected on this property within the next two years, based on his availability of funds.

Applicant is looking to perform repairs of boats, storage and winterizing. He would like to build a steel barn-style building under 25 feet tall. He's intending on having a gravel lot and is planning on installing a wood privacy fence or chain link privacy fence to go across the neighboring property for screening. The applicant's property is currently graded lower than the fence, so he will add topsoil to fill in where necessary. Mr. Budrow has no concern of erosion control at this time.

There were no comments or questions from the public.

MOTION made by Larry Shipman to close this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

REGULAR MEETING

1. CALL TO ORDER

Alvin Wolfgram, Chairman called the Regular Meeting to order at 8:57 PM. Seated for the regular meeting were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach, Susan Uihlein and Jim Hill.

2. APPROVAL OF AGENDA

MOTION made by Larry Shipman to approve the agenda of the March 20, 2017 meeting. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

3. NEW BUSINESS

Application 16-8A – Planning Commission – Continued to next meeting on April 17, 2017.

Application 17-2 – River Properties, Inc., 37 Pratt Street – A Petition for text amendment to the zoning regulations Section 71 to allow pre-existing single family dwellings as accessory uses in the Waterfront District.

MOTION made by Larry Shipman to approve this application, effective May 1, 2017. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-5 – David Perelli – Continued to next meeting on April 17, 2017.

Application 17-6 – Michael Belanger, 70 Plains Road – An application for special exception to allow an inland marine to be located on an interior lot behind 60 and 70 Plains Road.

MOTION made by Larry Shipman to approve this application under the conditions that it's in conformance with Regulations 90, 120 and 130. During the construction phase, the applicant must be willing to work with the Zoning Enforcement office on any erosion control issues. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

4. OLD BUSINESS

None

5. RECEIPT OF NEW APPLICATIONS

Application 17-7 – Essex Boatworks, LLC, 9 Ferry Street – An application for a special exception to construct a new building for a marina and accessory restaurant along with accessory site work.

Mr. Budrow explained that the applicant, Carlson's Landing is looking to develop the vacant parcel of land between Essex Boatworks and the River Museum.

Attorney Chris Smith will be representing the applicant. Mr. Budrow has received a special exception for a marina and restaurant, a CAM and a wetlands application. The special exception is for just the principal marina use, but they will be receiving an additional special exception for the restaurant. These referrals will also need to be sent to the Gateway Commission and State of Connecticut.

MOTION made by Larry Shipman to accept this application and schedule for the May 15, 2017 meeting. Bill Reichenbach seconded the application. All in favor, **Motion carried, 5-0.**

Application 17-8 – Essex Boatworks, LLC, 9 Ferry Street – An application for Coastal Area Management site plan review for vacant property known as Assessor's Map 47, Lot 21-1.

MOTION made by Larry Shipman to accept this application and schedule for the May 15, 2017 meeting. Bill Reichenbach seconded the application. All in favor, **Motion carried, 5-0.**

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Attorney Sipples reviewed the following Memorandums of Decision:

Application 17-1 – **CRR Main, LLC, 30 Main Street, Centerbrook** – An application for Site Plan Review to amend a previously-approved special exception to eliminate a condition that restricts the second floor to storage and an office.

Seated for the regular meeting were Alvin Wolfgram, Bill Reichenbach, Jim Hill, Russ Smith and Adrienne Forrest.

MOTION made by Jim Hill to approve the Memorandum of Decision with one revision. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-4 – **Teresa Patrick-Connell, 124 Westbrook Road** – An application for special exception to approve a food service retail shop with seats to locate in a commercial space at 124 Westbrook Road.

Seated for the regular meeting were Alvin Wolfgram, Bill Reichenbach, Jim Hill, Russ Smith and Adrienne Forrest.

MOTION made by Bill Reichenbach to approve the Memorandum of Decision. Adrienne Forrest seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-14 – **Essex Boat Works, LLC, 9 Ferry Street** – A Petition for a text amendment to the zoning regulations Sections 20 and 71 adding restaurants as an accessory use within the Waterfront District.

Seated for the regular meeting were Alvin Wolfgram, Bill Reichenbach, Jim Hill, Russ Smith and Adrienne Forrest.

MOTION made by Jim Hill to approve the Memorandum of Decision with two conditions, effective April 1, 2017. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-3 – **Essex Boat Works, LLC, 9 Ferry Street** – A petition for a text amendment for Section 71 to change the allowed building height to 35 feet.

MOTION made by Bill Reichenbach to approve the Memorandum of Decision with an effective date of April 1, 2017. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-15 – Cellco Partnership d/b/a Verizon Wireless – An application for special exception to co-locate 12 panel antennas attached to the water tower at 170 Main Street in Ivoryton.

MOTION made by Bill Reichenbach to approve the special exception. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

8. OTHER BUSINESS

Mr. Budrow stated that a zoning permit came in for Centerbrook Antiques and he will be reviewing it.

Mr. Budrow mentioned that the former owner of Estate Treasures is no longer conducting business on this property, therefore eliminating the hours of operation issue for the Commission. The new owner seems to be doing business by appointment only.

Mr. Budrow gave an update on Cumberland Farms. The applicant is still waiting on the Department of Transportation's approval. Bob Doane from Doane's Engineering is working with the applicant's engineer on what needs to be submitted to the DOT. The town health department is still working on a final septic plan. A zoning permit will not be given until these issues are cleared up.

Essex Station has received all permits except for a final sign-off from the State based on what the town Health Department approved.

Mr. Smith gave a synopsis of the last Economic Development Commission that he attended.

9. APPROVAL OF MINUTES

Two revisions:

- Page 8 – Item #5- Application 17-6 - “Granted a variance by the Zoning Commission” should say “by the Zoning Board of Appeals”.
- Page 3 – Application 16-14 is incorrectly listed as Application 16-4.

MOTION made by Bill Reichenbach to approve the minutes of the February 27, 2017 meeting with two revisions. Adrienne Forrest seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

None

11. **ADJOURNMENT**

The next scheduled meeting is April 17, 2017.

MOTION made by Jim Hill to adjourn the meeting at 9:26 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk