

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – May 15, 2017

PUBLIC HEARINGS

Present: Alvin Wolfgram, Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Alternate Member Russ Smith (sitting in for Larry Shipman)
Alternate Member Adrienne Forrest (sitting in for Susan Uihlein)

Absent: Larry Shipman, Vice-chairman
Susan Uihlein, Regular Member
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, Bill Reichenbach, and Jim Hill. Alternate Member Russ Smith sat in for Larry Shipman and Alternate Member Adrienne Forrest sat in for Susan Uihlein.

Application 17-10 – Harvey Payton, Computer Management Systems – An application for Special Exception to locate a 4000 square foot business office in a commercial space at 70 Plains Road, Essex.

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

Mr. Budrow first spoke. The address that the agenda shows for this application is incorrect. It should say 55 Plains Road, as the legal notice states. This is the property formerly owned by Leatherman. Leatherman sold the property to a company in Deep River, and they took a portion of the property, letting other retail businesses move in, and Leatherman remained on the other side. Leatherman has since moved out, and that left a 4,000 square foot office space that Computer Management Systems would like to buy. When Computer Management Systems decided that they would like to move in, they did not know that they would need a Special Exception.

No representative was present for the applicant.

This application requires a change of use for Zoning, but not for the town Health Department. Therefore, the Health Department does not require a health permit. There is plenty of parking on site. Winthrop Tool takes up 8 spaces. Computer Management Systems needs 18 spaces, and the property currently has 55 spaces on site. No external changes are to be made.

The audience had no questions of fact or opinions of any kind. There was no correspondence other than a letter from the town Health Department stating that they don't need a permit.

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

Application 17-7 – Essex Boat Works, LLC, 9 Ferry Street – An application for a Special Exception to construct a new building for a marina along with accessory site work on a lot known as Assessor's Map 47, Lot 21-1, Main Street, Essex.

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

Mr. Reichenbach read the public notice.

Application 17-9 – Essex Boat Works, LLC – An application for Special Exception to allow a restaurant as an accessory use at a marina located on a lot known as Assessor's Map 47, Lot 21-1, Main Street, Essex.

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

These applications were opened and deliberated on together, but split up and acted on individually at the end.

Mr. Reichenbach read the public notice for each application into the record.

Correspondence:

- A letter from the Town Sanitarian Lisa Fasulo, dated May 15, 2017, which states that the Health Department has received the plans from Milone and MacBroom, which they are in the process of reviewing. They are still waiting for revised plans from the Engineer.
- A letter from the State of CT DEEP, dated May 15, 2017, in which they write that the application is consistent with the goal of the CCMA and is generally consistent and supported by the LWRD. The State is however worried about parking problems and automobile traffic in Essex Village. According to the Essex Boat Works website, the marina has 30 slips, however the plan sheet indicates only 25 slips in the parking calculation, and does not make clear if the restaurant and bar staff is considered marina

and office staff. The DEEP would like plans revised to clarify that, plus a plan showing a boat slip counted with slip locations noted, and a plan to show a designated marina and marina staff parking area with signage requirement. This will assist the state in making their decision.

Letters of support:

Amy Cameron, President of Essex Board of Trade
Joseph and Denise Marie Mendler, residents on Heron Pond Road
Gary Dayharsh, resident on Book Hill Road
Peter Spielman, Essex resident
David Evangelista and Dan Stypa, Essex residents

Attorney Sipples advised that all exhibits should be labeled in numerical order.

Chris Smith from Milone and MacBroom first presented and gave a synopsis of what they are proposing.

Rick Carlson, applicant, then presented, stating that this is the first time that the residents of Essex and patrons of the marina will be able to enjoy a water view restaurant, and he will make sure that the building will represent the traditional Essex waterfront architecture.

Attorney Smith introduced each member of the team: Architect Chuck Muller from Centerbrook Architects, Civil Engineer Ryan McEvoy from Milone and MacBroom, and the Traffic Engineer, David Sullivan from Milone and MacBroom.

Attorney Smith handed a packet of materials to each member of the Commission which assisted him in his presentation. He also said he would submit two thumb drives of this presentation to the Commission.

Mr. Wolfgram, Chairman clarified with Attorney Smith that he was to present remote exhibits to the Commission and the public. Attorney Smith confirmed that they were remote, and he was going to present both applications at once during the presentation. He then gave the audience a brief overview of all sections of the presentation packet.

Included in the packet are three Special Exceptions: Special Exception application for a principal use for a marina use, Special Exception for an accessory restaurant use, and a Special Exception application for CAM approval for both properties, as they are located in the Coastal Management Zone.

Essex Boat Works proposed a new office space (currently located on Ferry Street), and for the marina and restaurant on Main Street.

CT River Museum (neighboring property) previously expressed concern as to the parking situation. Attorney Smith reviewed an exhibit demonstrating the parking and mentioned that the applicant did submit the two Special Exception applications required. Under 11(B), Attorney Smith stated that they do comply with the regulations. (Regulations allow for parking to occur off sequence when have approval from Special Exception). He demonstrated an exhibit

regarding alcohol beverages being served on premises. Being that the River Museum has the liquor permit, the applicant should be able to use their liquor permit being that they are located within 20 feet, according to Zoning regulations. Attorney Smith confirmed that the River Museum has a liquor permit for 67 Main Street, not 57. But the permit that they have is for a “non-profit public art permit”. The applicant is looking for a full liquor permit for a restaurant use. Regulations 112 separate out these two uses. Therefore, Attorney Smith is considering this as two legal issues.

Chuck Muller, Architect from Centerbrook Architects, presented next with a general overview and a one and a half minute 3D animation to demonstrate the architectural plans. He explained that the restaurant would run year round, with operating hours from 11 AM to 11 PM. Lunch and dinner to be served with an occasional brunch. The septic capacity allows for up to 59 seats in the restaurant. The bathrooms will be accessible to the restaurant patrons as well as to boaters from the marina from May 1st through October 1st (they will have a key card).

Ryan McEvoy, Civil Engineer from Milone and MacBroom, presented next regarding the underground utilities that they are proposing along with the storm water management system to be put in place and the sediment erosion control plan.

Sewage will be directed from the building into two different areas.

The site is to be served with public water and electric, telephone and cable.

David Sullivan, Traffic Engineer from Milone and MacBroom, presented next regarding circulation, traffic and parking. Circulation will be available through the existing two-way entrance/exit and will also have a secondary access point.

Mr. Sullivan explained that traffic should not be an issue in the Village. It is not a high turnover sit down restaurant, a fast food restaurant, or a bar with entertainment and long wait lines. The restaurant’s plans include 45 seats inside, with 59 seats potentially being offered during the busy season. Mr. Sullivan explained that what the residents can expect to find is a car entering or exiting one of the two driveways every 4 or 5 minutes. The applicants proposed parking plans meet the Zoning regulations, with 63 spaces being made available. When looking at the square footage of the restaurant and the amount of seats being offered, and when looking at the peak parking demand which would be around 30 to 35 vehicles, (with the peak being on Saturday evenings), the study indicates that there is ample parking. Traffic being generated will easily absorb into the existing traffic streams, and with its own parking lot the Village will not have to worry about on-street parking.

Mr. Russ Smith asked a few questions with regards to parking and if the Fire Department had any comments, which Mr. Muller mentioned that they did not.

Mr. Reichenbach asked Mr. Muller a question about the stairway at the access driveway.

Mr. Wolfgram, Chairman asked Mr. Muller for clarification regarding the property lines. He also wants a detailed itemized table demonstrating the parking totaling 63 spaces. He would like the applicant to indicate what is going to be considered restaurant parking and what is going to be shared with the property next door. He would also like a set of plans sent to the Fire Chief

and Fire Marshall and wants to make sure that a fire truck can be sent to Main Street if Ferry Street is blocked by flooding, fire, etc.

Mr. Wolfgram, Chairman, also clarified with Mr. McEvoy that the septic system would not interfere with the property to the west.

Representing the Connecticut River Museum is Attorney Mark Branse from Halloran & Sage. He discussed the Museums concerns with the plans for the parking configuration.

Questions of fact from the audience:

Annelisa Santoro, Essex resident on 48 Main Street had a question about the traffic study. She feels that it's been underestimated. Mr. Sullivan answered her concerns.

John Cole, Essex Resident on 20 North Main Street asked if any sugar maples would be lost in this project. Mr. Muller stated that no sugar maples would be lost, but one silver maple will be lost as a result of this project.

Attorney Branse asked a question about a hedge that he noticed in the 3-D animation. Mr. Muller answered his question.

Bill Cook of 24 Maple Avenue asked if there would be a sidewalk along the driveway. Mr. Sullivan said no.

Merrill Perkins from 23 Comstock Avenue had a question about putting sidewalks in along the gravel driveway. Mr. Sullivan said that handicap accessibility is considered from driveway to building, therefore this property is considered to be handicap accessible.

Chairman Wolfgram asked if the applicant would be willing to install pavers or something stable, if not planning on installing a sidewalk. The applicants team mentioned that they will look into it.

Jackie Wolfe, town resident, stated that the traffic is manageable and she finds it necessary to have another restaurant in town to produce more activity in the area.

Public in favor of the application:

Tom Casey of 12 Mack Lane

Jean Little of 20 Grove Street

Christine Roy of 82 North Main Street

Bob Dawes of 8 Parker Terrace

Adam Caucus, resident of 31 Grove Street, owner of business at 81 Main Street,
Secretary of Essex Board of Trade

Suzanne Smythe of 85 River Road

Dave Newbegin of Navy Lane

Dawn McFadden of 22 Mack Lane

Frank Flores (resident on abutting property to the applicant Rick Carlson)

Terry Mulcahey, Centerbrook resident
Chris Murano, resident on Stamford Hill, office on Main Street
Charles Mullen, 23 Westbrook Road
Jackie Wolfe, town resident
John Callan, 85 River Road
Thomas Mack, 34 Hillside Drive
Paul Greenberg, 26 Mack Lane (neighbor of applicant Rick Carlson)
Rob Galliet, Essex resident
Sarah Waddell, Ivoryton resident
Scott Brown of 13 Nod Lane
John Plumb of 82 North Main Street
Mike Carlucci of Mack Lane
Judy Lovelace of Dennison Road

Public opposing the application:

Chris Dobbs, Executive Director of the Connecticut River Museum
Members from Board of Trustees from the Connecticut River Museum

Mr. Dobbs introduced himself to the Commission and clarified that the representatives of the Museum are not exactly opposed to the restaurant, but they do have some concerns and questions regarding the applicant's plan. They find there to be potential zoning and health impacts, potential negative impact on the Museum and the Connecticut River, plus architectural issues with the views, etc. They are also very disappointed that the new owners are planning on destroying the stairs that link their two properties.

Mr. Dobbs said that they tried to talk to the applicant on resolving these issues, but were not able to do so. He hopes that the Museum and the applicant can have a better relationship going forward.

Mr. Dobbs handed out a reference packet to the Commission and addressed the following concerns from the Connecticut River Museum:

- Inadequate septic capacity
- Possibility of infringement of view easement
- Inadequate parking
- Traffic congestion and safety
- Historic impact
- Code violations and missing information

Joe Wren, Engineer from Indigo Land Design next presented with comments from the Connecticut River Museum regarding the plans that the applicant had submitted. Since writing these comments, some of the plans have been revised, but not yet reviewed by Mr. Wren. Therefore, he will review the new plans and update his comments as necessary.

Some of the concerns that Mr. Wren addressed are as follows:

- Parking and handicap accessibility
- Storm water infiltration system
- Scale of the plans

- Landscaping
- Lack of soil air lowers and a/c condensers
- Location of access driveway
- Soil stock pile area
- Septic system

Tom Wilcox from 9 Curiosity Lane is on the Board for the Connecticut River Museum. He again reiterated that the Museum is supportive of the restaurant, but they do have some definite concerns that they would like addressed before the applicant is approved. His main issues are: tight parking lot, having to deal with traffic that the Museum isn't used to, loss of the shared stairs, and the restaurant having only two bathrooms.

Brenda Milcofsky, resident on Bushy Hill Road in Ivoryton is opposed to the application and read a letter from Vicky Winterer, longtime resident, who is worried about the septic issues that could arise from a restaurant operating on the waterfront.

Bill Cook from 24 Maple Avenue also expressed a concern about the parking lot.

Eileen Angelini, town resident and Trustee on the Board of Directors for the Connecticut River Museum next presented. She read a letter from Peter Coombs, town resident and Trustee on the Board of Directors, who has concerns about this project.

Joanne Masin, board member for the Connecticut River Museum submitted some pictures demonstrating the traffic and parking issues in the downtown Village. She asked that these pictures be entered in to the record.

Cliff McGuire from Guilford CT, representative for the Southern New England Chapter of the Antique Classic Boat Society spoke in opposition of removing the stairway between the Museum property and the restaurant property. The stairway is needed for their wooden boat shows.

Another board member representing the Connecticut River Museum read a letter from Annie Wilcox, resident at 9 Curiosity Lane, expressing her concerns about preserving the history in the area if this project is approved.

Attorney Branse spoke next. His team does not understand why Carlson's Landing is merging the two parcels instead of keeping them separate. He feels that this should be a condition of the approval, since the regulations already require it.

With regard to the liquor license, the Museum does not oppose the restaurant getting a liquor permit. However, the Zoning regulations do not coincide with this. If the applicant gets a zoning text amendment, the Museum will not oppose it.

Attorney Branse thinks that the applicant is not compliant because they are trying to cram too much in too small of a space.

The septic and storm water is also a concern, as discussed earlier.

Mr. Wolfgram, Chairman would like to see a plan where the winter storage of boats is going to

be, as to make sure that this will not interfere with parking.

Mr. Wolfgram called Attorney Smith and Attorney Branse up to the stand to quickly go over all of the documents that were submitted to the Commission over the course of this application.

MOTION made by Bill Reichenbach to extend Application 17-7 to the next scheduled meeting on June 19, 2017. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Bill Reichenbach to extend Application 17-9 to the next scheduled meeting on June 19, 2017. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

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

MOTION made by Alvin Wolfgram, Chairman to continue this application to the next scheduled meeting on June 19, 2017. Adrienne Forrest seconded the motion. All in favor, **Motion carried, 5-0.**

REGULAR MEETING

1. **CALL TO ORDER:** Alvin Wolfgram, Chairman called the Public Hearing to order at 10:27 PM. Seated for the public hearing were Regular Members Alvin Wolfgram, Bill Reichenbach, and Jim Hill. Alternate Member Russ Smith sat in for Larry Shipman and Alternate Member Adrienne Forrest sat in for Susan Uihlein.

2. **APPROVAL OF AGENDA**

No changes or modifications made to agenda.

3. **NEW BUSINESS**

Application 16-8(A) – Planning Commission – Continued until the next meeting on June 19, 2017.

Application 17-10 – Harvey Payton, Computer Management Systems – An application for Special Exception to locate a 4000 square foot business office in a commercial space at 70 Plains Road, Essex.

MOTION made by Jim Hill to approve this application. Adrienne Forrest seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-7 – Essex Boat Works, LLC, 9 Ferry Street – Continued until the next meeting on June 19, 2017.

Application 17-9 – Essex Boat Works, LLC – Continued until the next meeting on June 19, 2017.

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

The applicant has requested that this be moved to the next meeting on June 19, 2017.

4. OLD BUSINESS

Updates from Mr. Budrow:

- Essex Station has been cleared by the State of Connecticut and will now begin construction.
- Cumberland Farms will stay open until at least July; need all DOT issues resolved first.

5. RECEIPT OF NEW APPLICATIONS

None

6. VISITORS AND GUESTS

Gary Dayharsh – Possible map amendment expanding RUM District.

Mr. Dayharsh has a conditional contract to buy a church on 39 Main Street in Ivoryton, and he would like to put four condominiums in the space.

Mr. Wolfgram, Chairman does not see any issues with this other than the applicant needing to get variances.

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Attorney Sipples reminded the Commission that his official date to retire is June 30, 2017. He will be available by phone for the next scheduled board meeting on June 19, 2017.

Mr. Budrow will soon generate a report for the Commission that will list all progress on current Zoning issues.

8. OTHER BUSINESS

Mr. Russ Smith gave a brief synopsis from the meeting of the Economic Development Commission that he last attended.

9. APPROVAL OF MINUTES – The commission did not receive the minutes from the April meeting. Mr. Budrow will follow-up on that with his Zoning Assistant.

10. CORRESPONDENCE AND PAYMENT OF BILLS

MOTION made by Bill Reichenbach to approve a bill from Attorney Sipples in the amount

of \$4,131.20, subject to availability of funds. Jim Hill seconded the motion. All in favor,
Motion carried, 5-0.

11. ADJOURNMENT

The next scheduled meeting is June 19, 2017.

MOTION made by Bill Reichenbach to adjourn the meeting at 10:47 pm. Adrienne Forrest seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk