

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – September 18, 2017

PUBLIC HEARINGS

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

Absent: Susan Uihlein, Regular Member
David Royston, Commission Legal Counsel

Also present: 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 and Jim Hill. Alternate Member Adrienne Forrest sat in for Susan Uihlein. Alternate Members Jeffrey Lovelace and Jim Hill were also in attendance.

Application 16-8A – Planning Commission – A petition for a text amendment to the Zoning Regulations Section 45. Replacing existing section with new section.

Mr. Wolfgram mentioned that Mr. Budrow had sent out a draft revision to the Zoning Regulations dated September 18, 2017 for review.

Mr. Wolfgram explained that if you have a single family house with an accessory apartment attached and also have a door with an exterior entrance, the house converts into a two family house in a single family zone. If the door is on the inside, then it is considered an accessory apartment to a single-family home in a single-family zone.

Members of the Commission asked questions to Mr. Wolfgram about the current language of Section 45 of the Zoning Regulations.

Mr. Budrow explained that in all zones, all accessory apartments should have an interior door to the main house, regardless of whether there are two exterior doors or not.

Mr. Wolfgram reviewed Section 45(d) of the Regulations with the Commission. The Planning Commission would like the Regulations to be changed so that a person is allowed to build a new house with a detached garage and an accessory apartment. (Currently this is not allowed for any house built after 1999).

Mr. Budrow explained that the commercial and industrial districts do allow for an accessory apartment to a single family home. Mr. Wolfgram reminded the Commission that they had previously decided to not allow for accessory apartments in industrial zones. Mr. Wolfgram mentioned that Airbnb and other sites that offer homes for rent are very hard to control and enforce.

Mr. Wolfgram had a few questions for the Commission based on his comparison of the old regulations versus the new regulations. Mr. Wolfgram asked if the Commission should still not allow houses built after 1999 to have an accessory apartment.

Mr. Shipman mentioned that he thinks the neighbor should be notified and given a chance to voice their opinion before an accessory apartment can be approved. Mr. Shipman also had concerns about the setbacks being varied. Mr. Budrow answered his questions.

Mr. Wolfgram asked a question about Section 45D.3. Mr. Wolfgram said that it was eliminated because it did not directly apply to the separation between two buildings and is really more of a building code (for fireproofing) rather than being a setback issue.

The Commission deliberated and discussed each regulation over a period of time. Mr. Lovelace expressed his concerns regarding short term rentals and people renting their house out through Airbnb and the like. The Commission agreed that the regulation requiring the renter to remain for a minimum of 180 days helps with not having as many listings in town for Airbnb, etc.

Mr. Wolfgram again brought up that the existing regulations mention that the houses cannot be built after 1999. He and the Commission discussed if this regulation was necessary to keep. Mr. Wolfgram also didn't know if a regulation should be changed to allow for accessory apartments above detached dwellings (such as over a garage).

Mr. Budrow explained that in the last 7 years, they've given out 9 approvals for accessory apartments, 6 being under 1,000 square and 3 being over 1,000 square feet. He thinks that there will likely be about two new applications that will arise for this in the next 6 months or so.

Existing Regulation 45D.2. (Home Occupation) was discussed by Mr. Wolfgram in which he asked if his fellow members thought that it should be taken out to allow for a customary home use as either the accessory or the principle use provided that they have parking, etc. It was decided amongst the Commission to take out of the regulation.

The floor area was then discussed. The existing regulations have a minimum floor space of 2,000 square feet for a principal use, and a maximum of 1,000 square feet for an accessory use. The Commission discussed and decided that the Regulation should be changed to allow for an accessory apartment that is a maximum of 850 square feet or 30% of the principal use (if the principal house is less than 850 square feet).

The Commission discussed if attics and basements that are livable should be considered as part of the house's total square footage. The Commission decided it would be kept separate. Mr. Budrow will edit the regulations to make clearer.

Mr. Wolfgram and Mr. Shipman found a few other minor corrections to be made throughout the document.

It was decided to leave this application open as to allow time for Mr. Budrow to first meet with the Planning Commission and review the changes that are being made by the Zoning Commission.

MOTION made by Larry Shipman to continue this application to the next hearing scheduled on October 16, 2017. Jim Hill 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 8:04 PM. Seated for the public hearing were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach and Jim Hill. Alternate Member Adrienne Forrest sat in for Susan Uihlein. Alternate Members Jeffrey Lovelace and Jim Hill were also in attendance.

2. **APPROVAL OF AGENDA**

No changes or modifications were made to the agenda.

3. **NEW BUSINESS**

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

4. **OLD BUSINESS**

(Mr. Budrow discussed Old Business during section 7, "Report from Zoning Enforcement Official").

5. **RECEIPT OF NEW APPLICATIONS**

None

6. **VISITORS AND GUESTS**

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Mr. Budrow gave a list of updates to the Commission.

MOTION made by Larry Shipman to approve the Memorandum of Decision for **Application 17-11** – **Calamari Recycling Co.** and allow Mr. Wolfgram to sign. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Cumberland Farms is planning on being open by January 2018. Mr. Wolfgram mentioned that there is some controversy concerning the site line that was approved by the CT Department of Transportation. Mr. Doane, Town Engineer, felt that this approval was an inadequate submission. Mr. Wolfgram said that the abutter is building his fence to his actual property line, therefore Mr. Wolfgram does not know if it is in the site line view or not. Mr. Wolfgram would like for Mr. Budrow to meet with the Town Engineer and the applicant after the driveway is installed to agree that it is a valid site line prior to Mr. Budrow issuing a temporary or permanent Certificate of Occupancy.

MOTION made by Chairman Wolfgram to have Mr. Budrow meet with the Department of Transportation and the applicant for **Cumberland Farms** to review all site lines that were approved before issuing a temporary or permanent Certificate of Occupancy. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Mr. Wolfgram discussed MacBeth Ventures. This was a driveway entrance that was approved based on valid site line. The driveway appears to not have been constructed in the same way as the drawings, therefore possibly affecting the site lines. Therefore, he would like the Town Engineer Bob Doane to do an assessment and determine if the site line is still valid or not. Mr. Budrow will put together a packet of information for Mr. Doane.

MOTION made by Chairman Wolfgram to have Bob Doane, Town Engineer, review the site line on the newly constructed driveway for **MacBeth Ventures** and compare to the previous drawings to ensure that the site line is in fact valid. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Carlson's Landing has submitted their Health and Zoning permit applications.

Belanger's Inland Marine has had gravel delivered for a future storage area.

6 Dogwood Drive, 7 Read Hill, 61 Pond Meadow Road, 27 Townwoods Road, and 7 High Street were also addressed by Mr. Budrow.

Mr. Budrow mentioned that 6 businesses opened without zoning permits. Since addressing this issue, the applicants are now coming in to the Zoning office to obtain permits.

8. OTHER BUSINESS

Memorandum of Decision for Calamari Recycling was signed by Mr. Wolfgram.

9. APPROVAL OF MINUTES

Ms. Forrest had a question about who was seated for the August hearing. The Commission clarified this for her.

Receipt of New Applications- page 5, take out “next” for the line that reads “next meeting on October 16, 2017”.

Section 138 of the Regulations should be listed as Section 130A on all pages.

MOTION made by Adrienne Forrest to approve the minutes of the August 21, 2017 meeting with two corrections. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

MOTION made by Bill Reichenbach to approve a bill from Attorney Peter Sipples in the amount of \$1,200.00, subject to availability of funds. Adrienne Forrest seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Larry Shipman to approve a bill from Attorneys Dzialo, Pickett and Allen in the amount of \$1,054.50, subject to availability of funds. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

11. ADJOURNMENT

The next scheduled meeting is October 16, 2017.

MOTION made by Alvin Wolfgram to adjourn the meeting at 8:34 pm. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk