

Essex Zoning Commission  
29 West Avenue  
Essex, CT 06426

Monday, October 21, 2013  
Town Hall – Conference Room A  
7:00 p.m.

### **MINUTES**

Seated for the public hearings were Al Wolfgram, Chair, Larry Shipman, Secretary, Jim Hill, Bill Reichenbach, Alternate Jeffrey Lovelace (for absent Susan Uihlein, Vice Chair), and Alternate Adrienne Forrest. Also in attendance were Attorney Peter Sipples and Zoning Enforcement Agent, Joe Budrow.

Call to Order: Al Wolfgram, Chair, called the meeting to order at 7:04 p.m.

### **PUBLIC HEARING**

Application No. 13-16 – A petition for a text amendment to sections 70B, 71B, 80C and 82C of the Essex zoning Regulations - Withdrawn

Application No. 13-19 – Essex Zoning Commission – A petition for a text amendment to section 50 of the Essex zoning regulations. Larry Shipman, Secretary read the notice. Joe Budrow added and read additional correspondence which was an inter-board memo from the Planning Commission. The proposed recommendation to Section 50 is endorsed by the Planning Commission. This text amendment is now more restrictive to Section 50C (2). Al Wolfgram reiterated that the key thing here was location. Joe Budrow responded that he believes “location” covers the nonconforming characteristic.

Larry Shipman suggested that we add the generic “set backs” after the word location and before the word height just to be more specific. Joe Budrow will add that to the text amendment.

Larry Shipman made a motion to close Application No. 13-19 – Essex Zoning Commission, seconded by Bill Reichenbach, Passed unanimously. Motion carried.

Application No. 13-20 – Essex Zoning Commission – A petition for a change to the Town’s zoning map by adding nine lots to the Business District. Larry Shipman read the notice.

Joe Budrow indicated that the additional correspondence is the same memo from the Planning Commission where they have reviewed the proposed plan of adding nine lots to the Business District. They have agreed with the proposal.

Al Wolfgram asked Joe Budrow to add to the file all the correspondence from the other nearby property owners for the record. Mr. Poindexter who owns Lot #6 has not yet responded.

Al Wolfgram suggested we withdrawal this application and look into several issues with regards to adding the nine lots to the Business District, and make sure people are not moving into a non-conforming use with regards the Business District versus Industrial use. Al Wolfgram suggested that Joe Budrow also look into lots #7, 8 and 9. This would require amending Section 82 of the Essex Zoning Regulations. Al Wolfgram suggested to take an inventory, see what's there, and deal with the text amendment first and then the map amendment second.

Jim Hill made a motion to withdrawal Application 13-20 – Essex Zoning Commission, seconded by Larry Shipman, Passed unanimously. Motion carried.

Application No. 13-21 – Paul Simoneau – An application for special exception to allow an attached accessory apartment to be located at 21 Lynn Road, Ivoryton. Larry Shipman read the notice.

Attorney Peter Sipples mentioned to the Commission that the criteria for this application meets both specific and general zoning regulations in Sections 120G, 130A as well as Section 45.

Paul Simoneau (Applicant) discussed the accessory apartment and indicated it is an in-law apartment for his mother-in-law as she would be moving in with them.

Joe Budrow met with Paul Simoneau (Applicant) the second time and agreed he met the requirements based on square footage for this apartment. The owner will live on premises and will add 2 parking places to the right of the existing garage.

The house was built prior to 1999 and is not considered a new structure. The new addition is shorter then the building height of the existing building. Joe Budrow is adding to the record a variance granted on 5/21/13 regarding Application No. 13-11 for the original house addition request. Joe Budrow also indicated that the Health Department has given approval based on current septic system based on a total of 3 bedrooms. Al Wolfgram indicated the applicant seems to be in conformance with Section 45.

Larry Shipman made a motion to close public hearing on Application No. 13-21 – Paul Simoneau, seconded by Jim Hill. Passed unanimously. Motion carried.

## **REGULAR MEETING**

Seated for the regular meeting were Al Wolfgram, Chair, Larry Shipman, Secretary, Jim Hill and Bill Reichenbach, Alternate Jeffrey Lovelace (for absent Susan Uihlein, Vice Chair), and Alternate Adrienne Forrest. Also in attendance were Attorney Peter Sipples and Zoning Enforcement Agent, Joe Budrow.

Al Wolfgram called to order the regular meeting 7:42 p.m.

### **APPROVAL OF AGENDA:**

Larry Shipman made a motion to approve the Agenda, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

### **NEW BUSINESS:**

Joe Budrow has an inquiry prior to his being on board as the Zoning Enforcement Agent from the owner of the Cheese Shop in Centerbrook. The owner would like to be allowed to bring in soups and make sandwiches there. Owner would like to be able to serve such items. Al Wolfgram suggested that Joe Budrow look up past minutes and memorandums for the next meeting to discuss. Specifically, is this in compliance with the definition of "Food Service Shop"? Al Wolfgram would like this request to be part of a formal meeting, due to past issues with the building. Al Wolfgram also asked Joe Budrow to verify with the Health Department there is no change with this request.

### **OLD BUSINESS:**

Application No. 13-16 – Withdrawn

Application No. 13-19 – Essex Zoning Commission - A petition for a text amendment to section 50 of the Essex zoning regulations. Text amendment was reviewed and we added "setbacks" to the wording to this regulation. Attorney Sipples indicated this decision needs to be in accordance with planning by Conservation and Development as found by the Planning Commission. He also stated that we need to clarify the language of the regulation and then proceed with an effective date approximately 30 days out.

Jim Hill made a motion to close Application No. 13-19 – Essex Zoning Commission adding the word "setbacks" along with Attorney Sipples recommendations above to be effective by November 30, 2013, seconded by Jeff Lovelace. Passed unanimously. Motion carried.

Application No. 13-20 – Essex Zoning Commission – A petition for a change to the Town's zoning map by adding nine lots to the Business District. Withdrawn during Public Hearing.

Application No.13-21 – Paul Simoneau - An application for special exception to allow an attached accessory apartment to be located at 21 Lynn Road, Ivoryton. Larry Shipman read the notice.

Larry Shipman made motion to approve Application No. 13-21 – Paul Simoneau which meets standards of Section 45 as and complies with Zoning Regulations Sections 120G and 130A and to add in two parking spaces under the direction of Joe Budrow, Zoning Enforcement Agent, seconded by Jim Hill. Passed unanimously. Motion carried.

Al Wolfgram indicated to the applicant there will need to be a Memorandum of Decision to be typed up and signed and then will need to be filed with land records. Al also stated there is a 15 day notice of appeal from the date of publication.

#### RECEIPT OF APPLICATIONS:

Application No. 13-22 – Bruce Hamilton – Architects for Rite Aid – An application for a special exception to allow the expansion of an existing retail pharmacy.

Al Wolfgram indicated there are no waivers being requested. No Wetlands issues. No grading plan as it is all internal. Joe Budrow indicated that last week submitted a B1008, and are reviewing parking in the rear. Al Wolfgram asked Joe Budrow to look up the parking calculations and make available for the applicant as well as the Zoning Commission.

Larry Shipman made a motion to accept Application No. 13-22 – Bruce Hamilton and go to public hearing on November 25, 2013, seconded by Jim Hill. Passed unanimously. Motion carried.

VISITORS AND GUESTS – None

#### REPORT FROM LEGAL & ZONING ENFORCMENT AGENT:

Attorney Sipples mentioned the last two MOD's have been signed.

Joe Budrow indicated that an update to the property owner (behind the Iron Chef and across from the train station), has been notified to remove the existing small building that was built and if not, a Cease and Desist will be issued.

A local Inn is currently sharing a septic system with three property owners. The Health Department is looking into this septic issue along with the State. Joe Budrow sent notices of violation to the three property owners that they are sharing the septic without zoning approval.

A town recycler has received a new site plan and they assumed the lot they purchased was all one parcel. They are still working with surveyor.

Al Wolfgram discussed proposing a marijuana moratorium (up to 12 months) as many other Town's are in CT. This will give us time to understand the State's position with regards to farming and dispensing. Larry Shipman suggested we have a Public Hearing. Al Wolfgram agreed that it should be put on agenda and accepting it for next meeting on November 25, 2013.

OTHER BUSINESS: None

#### APPROVAL OF MINUTES:

Al Wolfgram inquired about the written withdraw on Application No. 13-11 noted in the minutes of September 16, 2013. Application No. 13-11 – Pilates for Life withdrew their application at that meeting, however, Joe Budrow has not yet received the withdrawal in writing and will follow-up.

September 16, 2013 – Minutes - Correction to Page 3 – 3<sup>rd</sup> Paragraph – should read:

Bob Doane, professional engineer and licensed “surveyor”, spoke on behalf of Essex Fire Dept. Association Inc. and the property was conveyed to Association in 1986. It was conveyed with the express conditions of this transfer of title, “if” the property ceases to be used exclusively for a fire department training facility and/or fire department drill or recreation facility, “the title would revert to the Town”. Also if there is to be any change in Certificate of Incorporation, then the property will revert back to the Town of Essex. Since conveyance the property has been used as such.

Larry Shipman made a motion to approve minutes of the Regular Meeting on September 16, 2013 as amended, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

September 23, 2013 – Minutes – Correction on Page 3 – Under “Correspondence & Payment of Bills – 2<sup>nd</sup> Paragraph – 2<sup>nd</sup> sentence should read:

“The guests indicated that a sign on the premises stated that tonight’s meeting started at 7:30 pm”.

Correction on Page 4 – 1<sup>st</sup> Paragraph – 1<sup>st</sup> sentence should read:

“Statement made by George Reichman – 68 Plains Road.....”

Correction on Page 4 – 3<sup>rd</sup> Paragraph – 1<sup>st</sup> sentence should read:

“Statement made by Michael Bellanger – 70 Plains Road.....”

Bill Reichenbach made a motion to approve minutes of the Special Meeting September 23, 2013 as amended, seconded by Larry Shipman. Passed unanimously. Motion carried.

#### CORRESPONDENCE AND PAYMENT BILLS:

Submitted Legal Invoice totaling \$2,318.40.

Larry Shipman motioned to approve the payment of legal bills subject to availability of funds, seconded by Jim Hill. Passed unanimously. Motion carried.

Al Wolfgram asked about correspondence, Joe Budrow mentioned CT DEEP approved mapping of the Dennison Road well field. This now needs to be changed on our zoning map and sent back to them by January. Al Wolfgram asked Attorney Peter Sipples if we needed to do an official map amendment. He agreed that is normally done. Al Wolfgram asked Joe Budrow to put this in as a new application next month.

#### ADJOURNMENT:

Jim Hill motioned to adjourn the meeting at 8:25 p.m., seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Respectfully submitted,

Yvonne Roziak