

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

## REGULAR MEETING MINUTES – December 18, 2017

### PUBLIC HEARING

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

Absent: Susan Uihlein, Regular Member

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Also present: Joe Budrow, Zoning Enforcement Official

**CALL TO ORDER:** Larry Shipman, Vice-chairman called the Public Hearing to order at 7:01 PM. Seated for the public hearing were Regular Members Larry Shipman, Bill Reichenbach, Russ Smith and Jim Hill. Alternate Members Adrienne Forrest and Jeffrey Lovelace were also in attendance.

**Application 17-14 – The Griswold Inn, LLC** – A Petition for a Change to the Zoning Map to get 47 and 51 Main Street, Essex, entirely within the Essex Village District.

Mr. Reichenbach read the legal notice into the record.

Mr. Reichenbach read correspondence into the record.

- Letter from Alan Kerr, Chairman of the Essex Planning Commission.
- Letter from Susan Jacobson, Senior Environmental Analyst from Land and Water Resources.

Attorney Terry Lomme presented on behalf of the client. He feels it makes sense to have zone lines run along-side property lines rather than bisecting properties.

The Commission asked some questions as to how much square footage would be added into Essex Village. Mr. Budrow and Mr. Lomme explained why the change would not be a gain or loss for the zone.

The Commission asked a few more questions. Mr. Lomme answered by referring to the applicant's map.

There were no questions from the audience.

Bob Doane, Town Engineer made a comment.

Mr. Lomme closed by saying that it makes sense to run zone lines along property lines as to avoid running into this issue on a frequent basis and therefore having to consult with the Zoning Commission.

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

### **REGULAR MEETING**

1. **CALL TO ORDER:** Larry Shipman, Vice-chairman called the Regular Meeting to order at 7:19 PM. Seated for the regular meeting were Regular Members Larry Shipman, Bill Reichenbach, Russ Smith and Jim Hill. Alternate Members Adrienne Forrest and Jeffrey Lovelace were also in attendance.

2. **APPROVAL OF AGENDA**

No changes or modifications were made to the agenda.

3. **RECEIPT OF NEW APPLICATIONS**

**Application 17-16** – **Stephen Cline, Successor Trustee of the ESB Irrevocable Trust** – An application for a Site Plan Review to locate two building additions for Nalas Engineering at 85 Westbrook Road, Centerbrook, CT.

Bob Doane, Engineer for the project gave an overview of what the applicant is seeking. He has met with Lisa Fasulo, Town Sanitarian and is waiting for her final approval. He should have an approval letter before the next scheduled meeting on January 22, 2018.

Mr. Budrow stated that the application meets all the requirements set forth by the Zoning Commission. The applicant has already gotten a variance for setback, meets parking and coverage requirements, and meets the approval from the Wetlands Commission.

Mr. Smith asked how many square feet the applicant is asking to have added on. Mr. Shipman said that the applicant is looking for 3,700 square feet to be added on for the rear of the property and 2,600 square feet for the second addition.

**Application 17-17** – **Dave Durrenberg** – An application for a Special Exception to locate an art gallery within commercial space at 12 Main Street, Essex, CT.

Mr. Budrow explained that the applicant is requesting a waiver to not have to do a full site plan.

The applicant has submitted the necessary paperwork to the Town Sanitarian Lisa Fasulo. She is ready to accept this application and will be providing a letter for the next scheduled

hearing in January.

**MOTION** made by Jeffrey Lovelace to accept this application and schedule for the next hearing on January 22, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 17-18 – Essex Zoning Commission** – A Petition for a Regulations Text Amendment to amend Section 45 (Accessory Dwelling Units).

Mr. Budrow stated that it is necessary to add text to the regulations for clarification concerning accessory dwelling units and apartments. Accessory dwelling units are considered to be residential and are related to the main house. Apartments are stand-alone within commercial or industrial buildings and are not related to the business.

This application will go through the Planning Commission as well.

**MOTION** made by Jim Hill to accept this application and schedule for a hearing on February 19, 2018. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 17-19 – Essex Zoning Commission** – A Petition for a Regulations Text Amendment to amend Sections 60B, 61B, 63B.1, 64B, 70B and 80C.

Mr. Budrow explained that he would like to add 5 feet to the height regulations on waterfront property in residential zones, therefore allowing up to 35 feet total.

This application will go through the Gateway Commission and the Planning Commission.

**MOTION** made by Bill Reichenbach to accept this application and schedule for a hearing on February 19, 2017. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 17-20 – Gary Dayharsh c/o Attorney Michael Dowley** – An application for a Special Exception to change the use of the Ivoryton Congregational Church at 57 Main Street, Ivoryton, to a multi-family dwelling.

The Zoning Commission has not yet received the application, but Mr. Budrow is in possession of the application and will pass along to the Commission.

Mr. Budrow said the site plan shows two properties merged but still needs to show the actual property line. The decks and garages are not to be approved at this time, therefore the site plan needs to be amended to reflect this.

Mr. Budrow said that otherwise everything that is needed has been submitted.

**MOTION** made by Bill Reichenbach to accept this application and schedule for the next hearing on January 22, 2018. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

#### **4. NEW BUSINESS**

**Application 17-14** – **The Griswold Inn, LLC** – A Petition for a Change to the Zoning Map to get 47 and 51 Main Street, Essex, entirely within the Essex Village District.

The Commission agreed that this change should be made, as it does not make sense to have two different zones in this area.

**MOTION** made by Bill Reichenbach to approve this application, being that it is consistent with the Plan of Conservation and Development. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 17-16** – **Stephen Cline, Successor Trustee of the ESB Irrevocable Trust** – An application for a Site Plan Review to locate two building additions for Nalas Engineering at 85 Westbrook Road, Centerbrook, CT.

Mr. Doane, Town Engineer requested that this application gets continued to the next hearing on January 22, 2018.

**MOTION** made by Jeffrey Lovelace to continue this application to the next scheduled hearing on January 22, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

#### **5. OLD BUSINESS**

##### **Cumberland Farms –**

Mr. Budrow said that Cumberland Farms is hoping to open on January 13 or January 15, 2018. As of now Cumberland Farms is not putting up a fence along an abutting piece of property because the other property owner already put up a fence, but Mr. Budrow is going to require them to still do so. This decision is based on a previously approved site plan for this application.

Cumberland Farms is asking to pay the town a Performance Bond for all the plants that are on their plan in lieu of not planting until mid-March (once winter is through), in hopes of being able to still get their Certificate of Occupancy in January. Cumberland Farms would get 90% of their bond back in the spring time upon planting it all- called a Maintenance Bond. If the plants are alive after one year, then Cumberland Farms will also get their remaining 10% back.

**Scotch Plains Tavern** – Now open for business.

#### **6. VISITORS AND GUESTS**

None

#### **7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT**

Mr. Budrow's report:

A person has approached Mr. Budrow There is an interest in bringing a doggy day care and obedience classes into town.

Mr. Budrow is working on Calamari to get their Special Exception in.

Mr. Smith asked about who will represent the Zoning Commission as our legal counsel. Scott McEwan from Ingham Hill Road has an interest in it. Mr. Budrow recommended that Mr. McEwan write a letter to the Board of Selectman expressing his interest. Mr. Shipman clarified that the Zoning Commission is to pick their own attorney, contingent upon the Selectmen's approval.

## **8. OTHER BUSINESS**

Accessory retail use within the Limited Industrial District and the Business District is off the table.

The election of officers was initiated by Alternate Member, Adrienne Forrest. Nominations were called for.

**MOTION** made by Russ Smith to elect Larry Shipman as Chairman, Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**MOTION** made by Larry Shipman to elect Russ Smith as Vice-chairman, Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**MOTION** made by Larry Shipman to elect Bill Reichenbach as Secretary, Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**MOTION** made by Jim Hill to approve the 2018 meeting schedule for the Zoning Commission. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

## **9. APPROVAL OF MINUTES**

Two corrections were made to the minutes from the meeting on November 27, 2017.

- Russ Smith should be listed as a Regular Member.
- Call to Order should be listed before the first application is listed on the minutes.

**MOTION** made by Adrienne Forrest to approve the minutes from the November 27, 2017 meeting with two corrections. Larry Shipman seconded the motion. All in favor, **Motion carried, 5-0.**

## **10. CORRESPONDENCE AND PAYMENT OF BILLS**

Three bills were presented from Attorney David Royston in the amounts of \$3,034.00, \$55.00, and \$1,202.50, all related to Essex Boat Works.

**MOTION** made by Adrienne Forrest to approve, subject to availability of funds, three bills for Attorney David Royston. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**MOTION** made by Bill Reichenbach to approve a Memorandum of Decision for Application 17-13, Cellco Partners. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**11. ADJOURNMENT**

The next scheduled meeting is January 22, 2018.

**MOTION** made by Jim Hill to adjourn the meeting at 8:14 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,  
Zoning Board Clerk