

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – October 15, 2018

## PUBLIC HEARING

Present: Larry Shipman, Chairman  
Russ Smith, Vice-Chairman  
Bill Reichenbach, Secretary  
Jim Hill, Regular Member  
Jeffrey Lovelace, Alternate Member  
Robert Day, Alternate Member  
Thomas Carroll, Alternate Member

Absent: Susan Uihlein, Regular Member

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Also Present: Joe Budrow, Zoning Enforcement Official

**CALL TO ORDER:** Larry Shipman, Chairman called the Public Hearing to order at 7:00 PM. Seated for the Public Hearing were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeff Lovelace and Tom Carroll were also in attendance.

**Application 18-13 – Tom Evans, 26 Main Street, Essex** – A petition for a change to the town zoning map to allow 26 Main Street, Essex, to be entirely within the Essex Village District.

Application withdrawn.

**MOTION** made by Larry Shipman to amend the agenda to place **Application 18-15 – Essex Zoning Commission** first. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 18-15 – Essex Zoning Commission** – A Petition for a Change to the Town Zoning map proposing a changing of the River Road Residential District to a Rural Road Residential District. Also, to expand the Heritage Gateway District.

Mr. Budrow opened. He is not sure when the River Road Residential District became an actual district. He explained how the north east part of town had previously become 3 acre zoning but are now considering it for 1.8 acre to 2 acre zoning in the rural residential zone. Mr. Budrow said that at this time there are no applications for sub divisions in this part of town.

Mr. Budrow said that the Essex Land Trust has been buying land in this district. He is under the impression that the large parcels of 9 or 10 acres in that area cannot be subdivided. Mr. Budrow thinks there are probably three parcels that could subdivide now if the owners wanted to.

Mr. Budrow spoke with the Town Assessor to find out how this would affect people in this area if their zone changed. He explained that they would pay on 1.8 acres of land rather than 3 acres. Therefore, their taxes would go down. Building coverage would go from 10% to 15% which would benefit small properties.

Mr. Smith asked for clarification. He is wondering if you have 8 acres and are located in 3 acre zoning, would you would be taxed on three separate lots? Mr. Budrow will ask the Assessor.

Questions and comments were opened up to the public:

Peter Zarella of 98 River Road is wondering what the necessity of making this change is if there is no application pending. Mr. Budrow explained that it was just an idea amongst a town commission to simplify the zones in town that don't seem necessary. Mr. Zarella does not think the zone change is necessary.

Pat Tripoli of 30 Navy Lane commended Mr. Budrow for a job well done as the town Zoning Enforcement Officer.

Peter Coombs of 127 River Road does not see a necessity to change the zoning district.

Jane Siris of 127 River Road also feels that the zoning district should remain the same as it is now.

Kim Bloxsom of 18 Lookout Hill asked a question about the division of property under the new proposed regulations. Mr. Budrow answered.

Bill Carlson of 145 River Road also does not see a need for this change. He asked Mr. Budrow to explain the change in coverage from 10% to 15%. Mr. Budrow explained.

Patrick Fitzgerald of 26 Hudson Lane asked for clarification on how this would affect his property and his abutting neighbor, Pat Tripoli. Mr. Budrow explained.

Rich Astles of 92 River Road asked a question about the two properties located near him and what the possibilities of subdivision could be. He also asked how the properties would be split up where some of the areas are sloped and has a stream. Mr. Budrow explained that the property owner would have to eliminate slope and wetlands and find buildable area.

Ed Mercadante of 134 River Road wondered how the tax assessments will go down. Mr. Budrow explained to the best of his knowledge.

Kim Bloxsom of 18 Lookout Hill asked a question about a neighboring property that has a hearing coming up.

Mr. Shipman and Mr. Reichenbach do not find this zoning change to be necessary. Mr. Shipman thinks that since this zone district is already written and nobody is complaining, it would be more efficient to leave it the way it is. Mr. Reichenbach agrees.

Public in favor of this application:

Pat Tripoli of 30 Navy Lane thinks that this may be a good change for her and her property given her personal circumstances.

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

- **Public hearing temporarily adjourned at 7:41 PM.**
- **Public hearing recommenced at 7:46 PM.**

**MOTION** made by Larry Shipman to amend the agenda to place Application 18-8 – Essex Zoning Commission second. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 18-8 – Essex Zoning Commission** – A Petition for a Text Amendment to discuss a newly formatted book of regulations with some additions and deletions of the current zoning regulations.

Al Wolfgram, member of the Planning Commission and Re-Write Committee for Zoning Regulations reviewed the new set of regulations that were given out to the Commission.

Mr. Shipman spoke with Attorney Mark Branse from Halloran & Sage about reviewing our zoning regulations. Mr. Wolfgram suggested limiting the scope by suggesting sections that should be reviewed to Attorney Branse. Mr. Shipman said their municipal rate would be \$175 per hour.

First Selectman Norm Needleman entered the meeting. Mr. Shipman asked what the process is for asking for funds. Mr. Needleman said that the Zoning Commission has money set aside in the budget for legal fees. The Commission should submit a request for funding with an amount “not to exceed” to the First Selectman’s office.

Mr. Budrow said that the **Gateway Standards** are going to be a new application received in November.

Mr. Budrow handed out a draft proposal he wrote as a counter offer to Mr. Bombaci's Attorney regarding retail space in the business district. Mr. Budrow wrote that the retail use is not to exceed 8,000 square feet.

It is the Commission's opinion that 8,000 square feet is too large of a size for a retail building. Mr. Wolfgram suggested conditioning retail in an existing building and not in a new building may be a good idea, plus condition that no more than 7,500 continuing square feet will be allowed in an existing building.

Mr. Carroll believes that retail is a thing of the past, and these types of buildings should be kept small.

Mr. Needleman does not see the harm of allowing some retail in that section of the town as long as it is aesthetically pleasing, but he thinks that allowing 8,000 square feet of retail space opens the door for big box stores. Therefore he believes that limiting the square footage would be a good idea.

The Commission discussed other area businesses and what their square footage is to get a better handle on what the ideal maximum square footage of retail space should be that is allowed in this zone.

Mr. Needleman suggested using form based zoning and architectural review to ensure that any new retail space maintains the characteristics of the town. He believes there should be a design standard for anything new that's built in this area.

Mr. Wolfgram suggested setting some design standards for Bokum Center and then going from there to set design standards for other businesses in that area of town.

Mr. Shipman thinks that for now we should model something to at least come up with a square footage that is allowable in the area, such as 2,500 square feet. This will give the Commission a framework for what they are regulating.

**MOTION** made by Larry Shipman to continue this application to the next scheduled meeting on November 26, 2018. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 17-18 – Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations Section 45 adding language to allow residential apartments and accessory dwelling units on the same property.

Mr. Budrow explained the regulation and reviewed what they are proposing to change.

Mr. Day offered a suggestion on how to reword this regulation.

Mr. Reichenbach asked a question for clarification of what the revised regulation would be. The Commission addressed his question. The Commission also reviewed what the revised regulation would be with Mr. Needleman.

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

**Application 18-17 – Essex Zoning Commission** – A Petition for a Text Amendment proposing Section 45-1 (Apartments in Commercial Buildings) to allow residential apartments to be located in commercial buildings.

Mr. Budrow explained the regulation and reviewed what they are proposing to change.

Mr. Day asked a question about the 25% allowance for commercial use. Mr. Budrow explained.

**MOTION** made by Larry Shipman to continue this application to the next scheduled meeting on November 26, 2018. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

## **REGULAR MEETING**

1. **CALL TO ORDER:** Larry Shipman, Chairman called the Regular Meeting to order at 8:52 PM. Seated for the Regular Meeting were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeff Lovelace and Tom Carroll were also in attendance.

## 2. **APPROVAL OF THE AGENDA**

Three changes:

- Application 18-15 moved to the first item on the agenda for the Public Hearing.
- Application 18-18 moved to the second item on the agenda for the Public Hearing.
- Applications listed on the agenda under section three “Receipt of New Applications” for the Regular Meeting were moved to section four “New Business”.

**MOTION** made by Russ Smith to approve the agenda as amended. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

## 3. **RECEIPT OF NEW APPLICATIONS**

None.

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

**Application 18-13** – **Tom Evans, 26 Main Street, Essex** – A petition for a change to the town zoning map to allow 26 Main Street, Essex, to be entirely within the Essex Village District.

Application withdrawn.

**Application 17-18** – **Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations Section 45 adding language to allow residential apartments and accessory dwelling units on the same property.

Mr. Budrow will make a correction to the regulation by taking the word functioning and placing it between the words garage and barn.

**MOTION** made by Russ Smith to approve this application with one correction. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 18-17** – **Essex Zoning Commission** – A Petition for a Text Amendment proposing Section 45-1 (Apartments in Commercial Buildings) to allow residential apartments to be located in commercial buildings.

Continued to the next meeting on November 26, 2018.

**Application 18-8** – **Essex Zoning Commission** – A Petition for a Text Amendment to discuss a newly formatted book of regulations with some additions and deletions of the current zoning regulations.

Continued to the next meeting on November 26, 2018.

**Application 18-15** – **Essex Zoning Commission** – A Petition for a Change to the Town Zoning map proposing a changing of the River Road Residential District to a Rural Road Residential District. Also, to expand the Heritage Gateway District.

Application has been withdrawn in its entirety. An application for expanding the Heritage Gateway District may be submitted separately at a later date.

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

None.

6. **VISITORS AND GUESTS**

Mr. Needleman has had a couple requests to build self-storage on his property. Although, he is not interested in offering this on his personal property, he does think that there is a need for this in the town. Up until now there has been no allowance for self-storage in Essex.

7. **REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICIAL**

Mr. Budrow discussed a letter he received from a resident on Hemlock Drive, William Todd. He's concerned that the new fence on the neighboring property is over the property line and Mr. Budrow should be sure that there is no encroachment occurring on his property.

8. **OTHER BUSINESS**

None.

9. **APPROVAL OF MINUTES**

**MOTION** made by Larry Shipman to approve the minutes of the September 10, 2018 Special Meeting. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**MOTION** made by Bill Reichenbach to approve the minutes of the September 17, 2018 meeting. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

10. **CORRESPONDENCE AND PAYMENT OF BILLS**

None.

11. **ADJOURNMENT**

The next scheduled meeting is November 26, 2018.

**MOTION** made by Bill Reichenbach to adjourn the meeting at 9:15pm. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon Sullivan-DeLorso,  
Zoning Board Clerk