

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – November 26, 2018

PUBLIC HEARING

Present: Larry Shipman, Chairman
Russ Smith, Vice-Chairman
Jim Hill, Regular Member
Thomas Carroll, Alternate Member

Absent: Bill Reichenbach, Secretary
Susan Uihlein, Regular Member
Jeffrey Lovelace, Alternate Member
Robert Day, Alternate Member

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, and Jim Hill. Alternate Member Tom Carroll was seated for Susan Uihlein.

Application 18-17 – Essex Zoning Commission – A Petition for a Text Amendment proposing a new Section 45-1 (Apartments in Commercial Buildings).

Mr. Budrow stated that some changes have been made to this application. The 400 to 850 square foot allowance previously proposed has remained the same, but the maximum number of apartments allowed in any one building has been changed from four to two.

The minimum gross floor area of a building was raised to 50% for a commercial property where one apartment is allowed. Within the commercial district where two apartments are allowed, Mr. Budrow has raised the minimum gross floor area to 33%.

Mr. Shipman asked Mr. Budrow some questions about these new proposed regulations.

Mr. Shipman does not see why these should be limited to being one bedroom apartments- he thinks the town should allow for two bedrooms. If our goal is to add more apartments, he believes that a two bedroom apartment in a building with four apartments allowed in total would relieve the issue of people coming in for variances often.

Steve Aran, a new business owner in town, mentioned that he has a retail space on the

downstairs floor of his building, and he has plans to put a two bedroom apartment upstairs. Therefore he is in hopes that this two bedroom rule will stay in effect.

Ken Bombaci, town business owner and resident spoke about his rental locations. He has two one-bedroom apartments where his business is located and does not think that having more apartments in his location is a good idea with children that may live there, traffic, etc. Mr. Shipman explained that Mr. Bombaci would not be required to turn his apartments into two-bedrooms. It just gives others the option if they want.

Susan Malan, town resident, does not understand why we are limiting the project to a certain square footage. As long as the apartment is not bigger than what the commercial space is, she feels that there should not be a problem. Mr. Shipman responded to her question.

MOTION made by Larry Shipman to close this application. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

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.

Mr. Budrow stated that since it was decided to not eliminate the River Road Residential District based on public opinion, he revised the regulation to bring it up to date. He has a few additional changes to make to get the book back to its previous version. Mr. Shipman will soon meet with Mr. Budrow to come to a resolution on who to appoint as an Attorney for the Commission.

Mr. Budrow mentioned that retail is no longer a part of this application. It was decided amongst the commission to add it as a separate application with one permit for special principal use up to 5,000 square feet.

MOTION made by Larry Shipman to continue this application to the scheduled meeting on January 28, 2019. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-18 – George and Sarah Mayer, 10 Andrews Road– An application for a Special Exception to add more than 1,000 cubic yards of fill on a property for the potential construction of a single family dwelling.

Bob Doane from Doane Engineering presented on behalf of the client. He stated that the applicant would like to bring in about 1,409 cubic yards of material on site. They will remove the existing house and eventually build a new house within the flood elevation, but no structure is designed at this time. The lot size will be a total of 68,000 square feet, and the fill should cover approximately 19,000 square feet.

Mr. Carroll asked about a retaining wall with the addition of extra fill. Mr. Doane said that the fill is about 95 feet away from the river and therefore is not associated with the existing frontage

on the river. The existing house is at about elevation 9, but Mr. Doane has plans to bring it up about 4 feet in one area and 2 to 3 feet in another area.

Mr. Smith asked what kind of material is to be used. Mr. Doane said it will be a combination of all clean fill. All unsuitable material will be removed from the site. It will be structurally sound and be able to support a driveway, etc.

Mr. Carroll asked how far down the water table is. Mr. Doane said it is about 7 feet deep.

Mr. Smith asked what the lot is filled with now. Mr. Doane said it is organic soil.

Mr. Shipman asked Mr. Budrow if the building height would be measured from the new grade. Mr. Budrow said that no, it would be measured from the existing grade.

Mr. Carroll asked if there have been any phone calls to the town due to the sign being posted on the property. Mr. Budrow said no.

There were no questions or comments from the audience.

MOTION made by Russ Smith to close this application. Larry Shipman seconded the motion. All in favor, **Motion carried, 4-0.**

REGULAR MEETING

1. **CALL TO ORDER:** Larry Shipman, Chairman called the Regular Meeting to order at 7:47 PM. Seated for the Regular Meeting were Regular Members Larry Shipman, Russ Smith, and Jim Hill. Alternate Member Tom Carroll was seated for Susan Uihlein.

2. **APPROVAL OF THE AGENDA**

MOTION made by Larry Shipman to approve the agenda. Tom Carroll seconded the motion. **Motion carried, 4-0.**

3. **RECEIPT OF NEW APPLICATIONS**

Application 18-19 – Essex Zoning Commission – A Petition for a Text Amendment proposing the updated Gateway Conservation District regulations (Section 101).

Mr. Budrow explained the changes to the Gateway Commission's regulations. The draft version is now waiting for approval from the Zoning Commission.

First Selectman Norman Needleman suggested publicizing this well for town residents, such as sending out an email blast and posting it in the Essex News and the quarterly newsletter.

MOTION made by Larry Shipman to receive this application and schedule for the public

hearing on January 28, 2019. Russ Smith seconded the motion. All in favor, **Motion carried, 4-0.**

Application 19-20 – Peter Atkinson, 85 Main Street, Ivoryton – An application for a Site Plan Review to allow an accessory dwelling unit within an existing barn.

Mr. Atkinson presented before the Commission. He said that the health department already approved the septic for the main house and accessory house. He has a separate building permit in place for the exterior work of the building. He has upgraded the exterior of the accessory apartment by adding new windows, doors and siding. Mr. Atkinson is planning on living in the guest house while the main house is being built.

The test bits have already been done through the main house. Mr. Atkinson has gone through the Wetlands Commission for the setbacks and gotten permission to put the septic within the setbacks. Mr. Budrow said that this is the last accessory dwelling unit under the Commission's existing regulations. Therefore, the barn does not have to have a barn function at this time.

Mr. Budrow mentioned that since this is an existing building, it will need to maintain a 15 foot setback and be of conforming location and size. This property meets all of these requirements at the present time.

MOTION made by Russ Smith to approve this application, effective December 15, 2018. Larry Shipman seconded the motion. All in favor, **Motion carried, 4-0.**

4. NEW BUSINESS

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.

MOTION made by Russ Smith to approve this application, subject to changing the maximum number of bedrooms allowed per apartment, and the maximum number of apartments allowed per building. Larry Shipman seconded the motion. All in favor, **Motion carried, 4-0.**

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.

Continued to the meeting on January 28, 2018.

Application 18-18 – George and Sarah Mayer, 10 Andrews Road– An application for a

Special Exception to add more than 1,000 cubic yards of fill on a property for the potential construction of a single family dwelling.

MOTION made by Russ Smith to approve this application. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

5. **OLD BUSINESS**

None.

6. **VISITORS AND GUESTS**

Mark Reeves introduced himself. Mr. Budrow explained that beginning on December 17, 2018, Mark will be joining the Zoning Commission as a new member.

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

Mr. Budrow said that he has been getting a lot of calls on blighted condition of properties. He finds that some of these properties are questionable, and some are definite cases of blight. There is no clear definition for blight in the town regulations at this point, but Mr. Budrow may work on a better regulation that can be added on to the regulations in the near future.*

Mr. Shipman asked about Mr. Bellanger's property. Mr. Budrow explained that he will need to install two stretches of fence. Mr. Doane would like Mr. Bellanger to put a depressed rain water area in his parking spot first. There have been no issues with boats being for sale on the front lawn

At Essex Glen, there has been a stay on all permits and CO's given based on erosion problems. Bob Doane of Doane's Engineering has made a list of areas for them to fix by a certain date in November. Mr. Budrow will be meeting with Mr. Doane soon to review. Once the property is compliant, Attorney Royston will give the okay to move forward.

8. **OTHER BUSINESS**

MOTION made by Russ Smith to authorize the signing of the Memorandum of Decision for **Application 17-18 – Essex Zoning Commission**, effective December 1, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

9. **APPROVAL OF MINUTES**

MOTION made by Russ Smith to approve the minutes of the October 15, 2018 meeting. Larry Shipman seconded the motion. All in favor, **Motion carried, 4-0.**

10. **CORRESPONDENCE AND PAYMENT OF BILLS**

None.

11. ADJOURNMENT

The next scheduled meeting is December 17, 2018.

MOTION made by Jim Hill to adjourn the meeting at 8:14 pm. Russ Smith seconded the motion. All in favor, **Motion carried, 4-0.**

Shannon Sullivan-DeLorso,
Zoning Board Clerk