

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – December 17, 2018

## PUBLIC HEARING

No public hearings.

## REGULAR MEETING

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

Absent: Mark Reeves, Regular Member

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Also Present: Joe Budrow, Zoning Enforcement Official

1. **CALL TO ORDER:** Larry Shipman, Chairman called the Regular Meeting to order at 7:00 PM. Seated for the Regular Meeting were Regular Members Larry Shipman, Russ Smith, Jim Hill and Bill Reichenbach. Alternate Member Rob Day was seated for Mark Reeves.

2. **APPROVAL OF THE AGENDA**

The agenda was approved amongst the Commission. No motion was made.

3. **RECEIPT OF NEW APPLICATIONS**

**Application 18-21** – Gary Dayharsh – A Petition for a Text Amendment to Section 62.

Attorney Mike Dowley presented on behalf of the applicant. He submitted a copy of the current text for Section 62 as well as the new text that he is proposing. He asked the Commission to make the use only permitted as a Special Exception as the Commission sees fit. He has provided the board with suggested language for this regulation and has also revised the regulation to include only properties that are located along a state highway.

Applicant Gary Dayharsh then stood before the Commission and spoke on behalf of his

property (formerly the Ivoryton Congregational Church). Mr. Dayharsh mentioned that when he had attended a meeting of the Zoning Commission some months ago, it was to turn the same building into four residential condominiums. However, the health department was not able to approve a septic system for that use. At the present time, Globe Pequot Press Publishing Company (currently located in Guilford) is interested in relocating to his building. The Applicant mentioned that the Health Department will be ready to approve the septic system if the building is being occupied by a company such as this. Mr. Dayharsh also said that most changes made by the Publishing Company would only be to the interior of the building, not the exterior.

Rick Reinhardt, Executive Director of Globe Pequot Press) spoke next. He gave a brief history of the 71 year-old company. They are a midsize publisher with about 30 employees. Their business consists of an editorial, sales and marketing department. No manufacturing is to be done on site.

Mr. Budrow mentioned that once it was discovered that the properties septic could not handle the multi family project with 8 bedrooms, it was clear that without creative zoning, the future of the property would most likely remain vacant for quite some time unless it was bought by another church, which is unlikely. Therefore, Mr. Budrow thinks that it would be in the best interest of the Commission to approve this text amendment for this particular property.

**MOTION** made by Larry Shipman to accept this application and schedule for the public hearing on January 28, 2019. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

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

The Election of Officers, effective December 17, 2018 took place. Tom Daly represented for the Commission on the voting of nominees.

Russ Smith nominated Larry Shipman as Chairman. Bill Reichenbach seconded the nomination.

Larry Shipman nominated Russ Smith as Vice-Chairman. Jim Hill seconded the nomination.

Larry Shipman nominated Bill Reichenbach as Secretary. Rob Day seconded the nomination.

The regular meeting was then called to order.

The 2019 meeting calendar was reviewed. No changes were made.

**MOTION** made by Jim Hill to approve the 2019 meeting dates. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

5. **OLD BUSINESS**

None.

6. **VISITORS AND GUESTS**

Joe Montana stood before the Commission to give his opposition for a new zoning regulation regarding signs. It states that each business in town will be permitted one sandwich board sign. Mr. Montana submitted a letter for the record.

Mr. Budrow mentioned that the revisions on sign regulations were first underway in 2014 and 2015 but were never resolved then, therefore the regulation remained the same during that time but since has been incorporated into part of the new regulation.

Mr. Montana stated that within the regulation, #4 of Sign Types is what mainly concerns him. The regulation makes it allowable for any sandwich board sign on a narrow sidewalk be considered safe, and he wonders who decides what criteria is used when considering safety. With this regulation, there could be approximately 70 signs in Essex Village based on how many businesses are located there. He is worried about the few businesses that have legitimate concerns for their signage but will still be out of conformance for sandwich board signs because their business is located off of the Main Street. Instead he fears, it will be businesses who already have visible frontage and a sign on the building, etc. who will be allowed to have a sign.

Mr. Montana thinks that the regulation is written too vague, lacking specificity, and could become a contentious problem in town. He is concerned that more home based businesses could suddenly start appearing in residential neighborhoods.

Mr. Montana fears that Commerce Park, located at 50 West Avenue will now have seven sandwich signs lined up on the road that is the gateway to historic Essex with this new regulation in effect.

A Supreme Court Ruling from 2015 called Reed vs. Town of Gilbert was referred to by Mr. Montana. He stated that Old Saybrook tried adding sandwich board signs into their regulations unsuccessfully. Deep River has also been unsuccessful.

Mr. Montana asked if the Commission has considered other solutions. He mentioned Wayfinding Systems where the town puts up tasteful signs where the business needs it, such as with an arrow, etc.

Mr. Montana thinks that if the business has a legitimate need for a sign, they should have to come before the commission and obtain a variance.

Mr. Budrow mentioned that within the same district, the regulation must be conforming. They cannot allow signs for some businesses but not for others.

Mr. Montana was under the understanding that free standing signs are allowed for churches, fairs and service organizations. The regulation now states that no free standing sign should exceed the area of 40 square feet. Up to two signs are allowed per property.

Mr. Reichenbach is not convinced that there will be business owners putting up signs everywhere if this regulation is put in place. He does not think that there is anything to worry about preventing at this time.

Mr. Day suggested to Mr. Montana that he possibly come to the Commission with an example of a sign regulation from another town that can be reviewed by this Commission.

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

Memorandum of Decisions:

**MOTION** made by Russ Smith to authorize the signing of the Memorandum of Decision for **Application 18-17** – Essex Zoning Commission, effective December 19, 2018. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**MOTION** made by Russ Smith to authorize the signing of the Memorandum of Decision for **Application 19-20** – Peter Atkinson, 85 Main Street, Ivoryton, effective December 19, 2018. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**MOTION** made by Russ Smith to authorize the signing of the Memorandum of Decision for **Application 18-18** – George and Sarah Mayer, 10 Andrews Road, effective December 19, 2018. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Mr. Budrow mentioned that he has not heard much lately pertaining to the Spencer's Corner's project. He also mentioned that Hope Partnership is in the process of hiring a new Executive Director at this time.

Mr. Budrow brought the Commission up to date on the current status of the LLC Doane Property. It went before the Wetlands Commission almost a year ago with a plan to clean up all the soils from a leak that contaminated the property a number of years ago. The plan was to install steel rods to help everything evaporate. The property owner is now thinking of doing excavation on the property.

Mr. Budrow said that he does not know of the current progress of MacBeth Ventures Brew Pub project, but last he heard, they were planning on opening during summer of 2019.

Mr. Budrow mentioned that he has not looked into the status of the Carlson's Landing project in a while. Some of the Commission members confirmed that they have seen construction under way on the property.

Mr. Budrow stated that neighbors of Cumberland Farms are having an issue with the lighting on the south façade of the building. Cumberland Farms had originally only planned to use one soffit light, but then decided to use four instead. The lights are bothering some of the

neighbors. Their planning department is sending an electrician there to access the lighting issue. Mr. Shipman suggested to Mr. Budrow that Cumberland Farms only use one exterior light on the south facade and remove the other three lights for the time being.

Mr. Budrow mentioned that he is thinking of rewriting the regulation on Waste Storage so that it can be included in the next set of updated regulations.

Mr. Budrow stated that Mr. Belanger's marine has created a property drainage issue where water is pooling in his rear left corner. Bob Doane, Town Engineer made a request that Mr. Belanger make depressions like a rain garden on that area of property, Mr. Budrow said that Mr. Doane is still working on a solution to that problem.

As of the present time, all regulations are up-to-date on the website.

Mr. Budrow said that he will look for a clean format of the bi-laws to send to the Commission members. Mr. Day requested that Mr. Budrow send the bi-laws to the Commission members as an email attachment.

Mr. Lovelace asked a question about Essex Glen. Mr. Budrow answered.

#### 8. **OTHER BUSINESS**

None.

#### 9. **APPROVAL OF MINUTES**

**MOTION** made by Russ Smith to approve the minutes of the November 26, 2018 meeting. Larry Shipman seconded the motion. All in favor, **Motion carried, 5-0.**

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

None.

#### 11. **ADJOURNMENT**

The next scheduled meeting is January 28, 2019.

**MOTION** made by Jim Hill to adjourn the meeting at 8:13 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon Sullivan-DeLorso,  
Zoning Board Clerk