

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – December 16, 2019

## PUBLIC HEARING

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

Absent: Mark Reeves, Regular Member

Also Present: Joe Budrow, Zoning Enforcement Official

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**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 Jeff Lovelace was seated for Mark Reeves.

**Application 19-16 – Nick Sapia, 130 Dennison Road** – An application for a Special Exception to locate a 7,440 office building with associated development at 130 Dennison Road.

Bob Doane, Engineer, presented on behalf of the applicant. They are proposing a 7,400 square foot building with 5 separate areas within. The lighting plan and approval from the Health Department are not yet finalized. The Health Department does not need to approve this project for the current use.

The commission asked a few questions which Mr. Doane answered. Mr. Budrow will make sure that a zoning plan is not approved until a lighting plan is at least submitted at the same time in order to ensure that it adheres to the lighting regulations.

**MOTION** made by Russ Smith to close this application. Jeff Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 19-26 – Stephen R. Cline, Trustee of the EST Irrevocable Trust, 75 Westbrook Road** – An application for a Special Exception to develop a future lot. Development to include a 20,000 square foot industrial building, a parking area, a new septic system and well.

Mr. Reichenbach read the legal notice into the record.

Bob Doane, Engineer, presented on behalf of the applicant. This is a 3.38 acre lot in an industrial district that the applicant would like to establish. Mr. Doane presented the plans to the commission. The applicant is proposing a 20,000 square foot building and anticipating leasing this to a business with up to 24 employees. They are proposing a new access onto Westbrook Road in which tractor trailer trucks will be prohibited from making a left hand turn upon exit in order to ensure a safe site line. Mr. Doane mentioned that the DOT does not need to issue a permit at this stage.

Mr. Doane spoke with Lisa Fasulo, Director of the Health Department where she expressed some previous concerns which Mr. Doane addressed with her and are now resolved as long as there are no changes to the plans. The Wetlands Commission has approved this application. Mr. Doane presented a rendering of the building to the commission. They have adequately addressed the stormwater management. Once the Zoning Commission approves this, the applicant will work with Mr. Budrow on getting the lot created as a separate parcel.

Mr. Smith asked questions about dividing the lots which Mr. Doane answered.

Mr. Budrow mentioned that no other referrals are needed and there is no other correspondence regarding this application.

Mr. Shipman asked about lighting. Mr. Doane said there will not be any lighting in the parking lot- only lighting in the building.

The commission asked additional questions about traffic issues with trucks turning right out of the parking lot. Mr. Doane does not think that a traffic study is necessary as there will not be a high volume of tractor trailer traffic coming in and out of this location.

There were no questions or comments from the audience.

**MOTION** made by Russ Smith to close this application. Bill Reichenbach 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 7:31 PM. Seated for the Public Hearing were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate member Jeff Lovelace was seated for Mark Reeves.

2. **APPROVAL OF THE AGENDA**

No changes were made.

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

**Application 19-27 – Jada Loutit, 63 Main Street, Essex, CT** – An application for a Minor Modification to a Previous Approval, to allow a Waterfront District use to be an allowed accessory use at 63 Main Street, Essex, CT.

Ms. Loutit spoke to the Commission. She would like to rent out an office to a potential tenant that would meet the authorized use of the waterfront business district. As of now the principal use is only for a marina use. The office is approximately 400 square feet.

The Commission asked questions of Ms. Loutit which she answered.

There were no questions or comments from the audience.

**MOTION** made by Russ Smith to approve this application for a minor modification to a Special Exception 17-9, consistent with sections 71A.1 and 71A.2 of the Zoning Regulations.

**Application 19-28 – Ruthann Poulin and Peter Glyman, 20 Main Street, Essex, CT** – A Petition for a Change to the Town's Zoning Map to move a district line that would allow the property at 20 Main Street, Essex, to be entirely within the Essex Village District.

Attorney Terry Lomme presented on behalf of the client. He explained that the front 2/3 of the lot is in the Essex Village zone but the rear portion is in the Village Residential zone. The applicant would like to either add on to the house or create a structure for their elderly parent to live in. He mentioned that this project would not have any impact on the neighboring properties and is not a waterfront property. The property is currently 10% under coverage in the Essex Village zone and 50% over coverage in the Village Residential zone. Therefore the applicant would like to move the Village District zone line to the property line.

**MOTION** made by Larry Shipman to accept this application and schedule for the next meeting on January 27, 2020. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 19-29 – Matthew Strand, 47 Industrial Park Road, Centerbrook, CT** – An application for a Special Exception to locate an indoor recreational facility within a commercial space of an existing building.

Mr. Budrow explained that this application needs a Special Exception because the square footage is over 5,000 square feet. (The applicant would like to use 7,083 square feet).

Mr. Budrow stated that these uses are permitted in our regulations under the umbrella of an indoor recreational facility.

Mr. Strand presented before the Commission. He explained that Greaves Corporation is the current tenant in this 20,000 square foot building. Being that they have a lot of extra space, Mr. Strand is looking to subdivide the space and lease out 7,083 square feet for this recreational facility. The parking area holds 30+ parking spaces, and Greaves Corporation currently employs approximately 5 people.

Ryan Spearrin, co-owner of the recreational facility (tenant of the building) explained that this will be an indoor practice facility for area towns. The space will be sectioned off per sport. No alcohol or vending machines will be on location.

**MOTION** made by Russ Smith to accept this application and schedule for the next meeting on January 27, 2020. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

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

**Application 19-16 – Nick Sapia, 130 Dennison Road** – An application for a Special Exception to locate a 7,440 office building with associated development at 130 Dennison Road.

**MOTION** made by Russ Smith to approve this application, conditioned upon the approval of the lighting plan by the Zoning Enforcement Officer and approval from the Health Department, consistent with the plan of Conservation and Development and Section 80 of the regulations. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 19-26 – Stephen R. Cline, Trustee of the EST Irrevocable Trust, 75 Westbrook Road** – An application for a Special Exception to develop a future lot. Development to include a 20,000 square foot industrial building, a parking area, a new septic system and well.

Mr. Lovelace is concerned about the traffic at this location. The commission discussed this and Mr. Shipman stated that he would like to make this a condition on the approval.

**MOTION** made by Russ Smith to approve this application with a condition that trucks exiting the parking lot must make a right hand turn only, consistent with sections 90A.1 and 90A.2 plus sections 120 and 130 of the regulations. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

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

Mr. Budrow discussed All Waste Inc., an existing business at 25 Industrial Park Road. They are an established use that came in under a regulation for a trash, rubbish and garbage enterprise in the early 1980's. Somewhere between the 1970's and 1980's a descriptive use was added on to allow for storage. However, in 2014, when the commission approved the regulations for the new business district, that use was taken out of the regulations. As of

now, All Waste is a valid, nonconforming use. They have bought an adjacent piece of property that was split off from a house on Main Street, and being that they may want to expand their business in the future, All Waste is inquiring on whether they would need a regulation changed before that could happen.

All Waste has a Special Exception to allow garbage bins on premises as long as they are not stacked. Trucks on premises must be kept inside. At the present time, they don't stack bins and trucks are kept outside. Allwaste would like to merge the property and expand their outside storage area to allow storing of "cans" (also known as dumpsters) and some vehicles for overnight use. No garbage is allowed on premises.

Mr. Budrow handed out a map to show the parcel of land and what Allwaste would like to do.

Mr. Budrow asked if the regulation could fall under a construction business and if not, is it a Special Exception. Mr. Budrow said if it's not considered construction, it would be a refuse hauler, which we no longer have a use for, therefore this would be treated as a valid non-conforming use. If they are construction, this use will be considered conforming. If considered as a trash hauling business, they have two options: a text amendment to our regulation or the applicant can apply for a variance to expand the non-conformity.

Mr. Shipman asked questions of Mr. Budrow which he answered. The Commission will look into this further.

Mr. Budrow also mentioned the former Ivoryton Church (soon to be a Wellness Center) and explained a few minor changes being made to their plans. One change is that an elevator will now be added, as ordered by the Building Official. The Commission asked additional questions which Mr. Budrow answered.

**6. VISITORS AND GUESTS**

None.

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

None.

**8. OTHER BUSINESS**

**MOTION** made by Russ Smith to give approval for Larry Shipman to sign the Memorandum of Decision for **Application 19-17 – Cottage Food Operation**. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

**MOTION** made by Russ Smith to give approval for Larry Shipman to sign the Memorandum of Decision for **Application 19-25 – Peter Williams, 7 Hannah Lane**.

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 November 25, 2019 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 27, 2020.

**MOTION** made by Jeff Lovelace to adjourn the meeting at 8:32 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,  
Zoning Board Clerk