

Essex Zoning Commission
29 West Avenue - Essex, CT 06426
Monday, November 25, 2013

PUBLIC HEARINGS

Seated were: Al Wolfram, Chairman, Larry Shipman, Secretary, Bill Reichenbach, Jim Hill, Alternate Jeffrey Lovelace, Alternate Barbara Zernike, and Alternate Adrienne Forrest for absent member Susan Uihlein, Vice Chair. Also in attendance was Attorney Peter Sipples and Zoning Enforcement Agent, Joseph Budrow.

Al Wolfram, Chairman called meeting to order at 7:00 p.m.

Application No. 13-22 - Bruce Hamilton Architects, Inc. - An application for a special exception to expand the store area of the existing Rite Aid Pharmacy by approx. 1,800 square feet at 125 Westbrook Road, Essex.

Larry Shipman read the notice of Public Hearing. Scott Blossick, representing the architects to review plan. He discussed the expansion of Rite Aid into the proposed tenant space that was once used by a karate school. Joe Budrow discussed the parking space situation and there are enough spaces allocated for this expansion. The new space allocation is moving forward.

The square footage existing is 7, 649 sq. ft. The new addition is 1,824 sq. ft. for a total of 9, 427 sq. ft. Building code will meet all OSHA requirements. Bob Moss, Regional Construction Manager for Rite Aid, also spoke on behalf of the plans and will comply with a request from the Zoning Commission in putting in a do not enter sign to prevent traffic from going in the rear driveway where employees park. Al Wolfram suggested that it would be in the tenant's best interest to ask their employees to park in the rear versus the general public. The building owner will make that suggestion to the other leased businesses. Joe Budrow indicated they have received approval from the Health Dept. via a B100A.

Larry Shipman made a motion to close Public Hearing on Application No. 13-22, seconded by Jim Hill. Passed unanimously. Motion carried.

REGULAR MEETING

Seated were: Al Wolfram, Chairman, Larry Shipman, Secretary, Bill Reichenbach, Jim Hill, Alternate Jeffrey Lovelace, Alternate Barbara Zernike, and Alternate Adrienne Forrest for absent member Susan Uihlein, Vice Chair. Also in attendance was Attorney Peter Sipples and Zoning Enforcement Agent, Joseph Budrow.

Application No. 13-22 - Bruce Hamilton Architects, Inc. An application for a special exception to expand the store area of the existing Rite Aid Pharmacy by approx. 1,800 square feet at 125

Westbrook Road, Essex.

The Zoning Commission discussed the striping of new parking spaces in the rear as well as installing a one-way sign heading out of the rear driveway. They also suggested reviewing with building official and the ZEA regarding the lighting in the rear. Once again, it was recommended the building owner to speak to property owners encouraging employees to park in the rear.

Larry Shipman made a motion to approve Application No. 13-22 – Bruce Hamilton Architects, Inc. for special exception to expand the use of existing Rite Aid at 125 Westbrook Road and that the application meets standards of 120G condition upon ensuring proper striping in rear parking, installing a do not enter sign as a one- way exit on 125 Westbrook Road. Directional arrows will also be installed indicating direction. Lighting will also need to be reviewed in the rear of the building by the building official in conjunction with the Zoning Enforcement Agent. An additional condition to the special exception is for the owner to recommend to other tenants to encourage their employees to park in rear, seconded by Adrienne Forrest. Passed unanimously. Motion carried.

Al Wolfgram indicated the process is that a Memorandum of Decision will be drawn up after the 15 day appeal period by counsel. Al Wolfgram will sign it and it will then be posted on land records. Joe Budrow will put that protocol statement together so that it is available for people to have after an application approval.

CALL TO ORDER - Al Wolfgram called the Regular Meeting to order at 7:33 p.m.

APPROVAL OF THE AGENDA: No additions or changes.

NEW BUSINESS:

Mr. Paul Partica, owner of The Cheeseshop, Main Street, Centerbrook is seeking permission to get a special exception application to serve take-out soup. He is currently zoned for food service retail. Al Wolfgram suggested Mr. Partica follow the protocol with Joe Budrow, ZEA to request to convert to food service shop with the Town Sanitarian. Zoning Enforcement Agent, Joe Budrow, indicated he would be allowed at this point in time, to supply take out soup to his customers and to pursue the special exception in the spring.

OLD BUSINESS: None

RECEIPT OF NEW APPLICATIONS:

Application No. 13-23 - an application is a proposal to amend section 50 (PROHIBITIONS) of the Essex zoning regulations. The State of Connecticut has recently passed legislation to allow for the legal growing and dispensing of medical marijuana within its municipalities. It is thought that Essex is not ready to entertain any potential applications that relate to medical marijuana. Other towns in Connecticut feel the same way and are drafting moratoriums on activity until

they are more familiar with the new law(s).

Joe Budrow, ZEA indicated several towns are struggling with the new rules surrounding growth or dispensing of marijuana. Looking for a moratorium on this issue. Specifically 40A.1.

Larry Shipman made a motion to accept Application No. 13-23 and set for December 16, 2013, Public Hearing, seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 13-24 - This application is a proposal to amend section 70 (ESSEX VILLAGE DISTRICT) of the Essex zoning regulations. This application is a draft adds artisans and craftspeople as an allowed use. New text also covers the prohibition of uses similar to allowed uses. In the case of financial institutions it is proposed to not allow check cashing establishments. With regard to similar service establishments as beauty shops it is proposed to not allow tattoo parlors or massage parlors. And with regard to retail it is proposed to not allow adult-themed stores or head shops. Perhaps the Commission should think about adding pawn shops as not allowed, too.

The proposed section also shows the removal of sign-related language. This is because very soon Section 111 (SIGNS AND LIGHTS) will be getting a proposed make-over that would require the deletion of all sign-related text throughout the regulations.

Larry Shipman made a motion to accept Application No. 13-24 and set for December 16, 2013, Public Hearing, seconded Barbara Zernike. Passed unanimously. Motion carried.

Application No. 13-25 - This application is a proposal to amend section 80 (COMMERCIAL DISTRICT) of the Essex zoning regulations. Recently, someone asked about adding a new use to the district. It was thought since we will be opening the section up in a few months to possibly taking out the sign language perhaps it would be a good idea to modify the whole section at once.

Application No, 13-25 is a draft that is similar to the goals of application No. 12-24. It adds artisans and craftspeople and child day care facilities as allowed uses. New text also covers the prohibition of uses similar to allowed uses. In the case of financial institutions it is proposed to not allow check cashing establishments. With regard to similar service establishments as beauty shops it is proposed to not allow tattoo parlors or massage parlors. And with regards to retail it is proposed to not allow adult-themed stores or head shops. Perhaps the Commission should think about adding pawn shops as not allowed, too.

The proposed section also shows the removal of some uses such as transfer stations, a public works garage and a dog pound. This is because these uses are already located in the Municipal Industrial District where they fit better.

Also, there is the removal of sign-related language. This is because very soon Section 111 (SIGNS

AND LIGHTS) will be getting a proposed make-over that would require the deletion of all sign-related text throughout the regulations.

Larry Shipman made a motion to accept Application No. 13-25 and set for December 16, 2013, Public Hearing, seconded by Adrienne Forrest. Passed. Motion carried.

VISITORS AND GUESTS: None

REPORT FROM LEGAL COUNSEL AND ZEA - One Memorandum of Decision arrived on Application 13-21 - Paul Simoneau, for accessory apartment and to add 2 additional parking spaces. Counsel is also waiting to work on a memo with Joe Budrow on an upcoming Ceist and Desist order.

Seated for Vote: Al Wolfgram, Larry Shipman, Bill Reichenbach and Jim Hill.

Larry Shipman made a motion to authorize of signing of Memorandum of Decision on Application 13-21, seconded by Jeff Lovelace. Passed unanimously. Motion carried.

OTHER BUSINESS: - ZEA, Joe Budrow is currently working on three zoning issues at 45 Foxboro Road, 17 Plains Road and 115 Main Street, Ivoryton.

Approve Zoning Commission Calendar for 2014:

Larry Shipman made a motion to approve the 2014 Zoning Commission Calendar, seconded by Adrienne Forrest. Passed unanimously. Motion carried.

APPROVAL OF MINUTES OF OCTOBER 21, 2013:

The following corrections were noted on Page 2 – 5th paragraph:

“Attorney Peter Sipples mentioned to the Commission that the criteria for this application “must meet” both specific and general zoning regulations in Section 120G, 130A as well as Section 45”.

Larry Shipman made motion to approve minutes as amended, seconded by Jim Hill. Passed unanimously. Motion carried.

CORRESPONDENCE AND PAYMENT OF BILLS:

Larry Shipman made motion to approve the payment of legal bills subject to availability of funds and recalculation, seconded by Jim Hill. Passed unanimously. Motion carried.

Joe Budrow will check on actual total amount due bill and apply credit if needed.

ADJOURNMENT:

Bill Reichenbach motion to adjourn at 8:25 p.m., seconded by Jim Hill. Passed unanimously.
Motion carried.

Respectfully submitted,

Yvonne Roziak