

**TOWN OF ESSEX**  
**ZONING COMMISSION**

29 WEST AVENUE – ESSEX, CT 06426

**MEETING MINUTES** – Monday, August 17, 2020

**PUBLIC HEARING**

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

Also present:  Joe Budrow, Zoning Enforcement Official  
                  Town Attorney, David Royston

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**CALL TO ORDER:** Larry Shipman, Chairman, called the public hearing to order at 7:02 p.m. Seated for the public hearings were regular members Larry Shipman, Jim Hill, Russ Smith, Tom Carroll and Jeff Lovelace.

**Application No. 20-4 – Wildwood Medical Center Association, Inc.,** 35 Saybrook Road, Essex, Ct. - A Petition for a Text Amendment to the Zoning Regulation requesting that Business and Professional offices be allowed in the Village Residence Districts as a Special Principal Use.

The hearing was continued from July. New language was added to the initial proposal. A one acre minimum and language that is protective for existing office uses on VR District properties.

Attorney Ken McDonnell, who introduced Mr. Nicholas Cardulis. Attorney McDonnell allowed Mr. Budrow to describe the proposed new language. There was a question about parking spaces at Wildwood. There were concerns about the second part of the newly-proposed language being overcomplicated. Attorney Royston agreed that there seemed to be some confusion, also.

Mr. Budrow read a letter submitted by Herb Clark in support of the text amendment. There were no other public comments in favor or against the application.

Mr. Shipman asked for a motion to close the public hearing to August.

**MOTION** made by Russ Smith to close the public hearing for **Application No. 20-4.** Mr. Hill seconded the motion. All in favor, **Motion carried, 5-0.**

**Application No. 20-6** – Essex Zoning Commission - A Petition for a Text Amendment to Section 20 (Definitions) of the Zoning Regulations to add a number of definitions.

The Commission did not open this application. A referral needs to be sent to the Planning Commission for Applications No. 20-6 through 9.

**Application No. 20-7** – Essex Zoning Commission - A Petition for a Text Amendment to Section 121 (Zoning Permits) of the Zoning Regulations.

Mr. Budrow mentioned that some language is being added to this section. He mentioned new language is now being proposed that deals with the expiration of zoning permits. This language was proposed by Attorney Royston who described the probably need for updated language regarding termination. He stated there are factors why applicants may need more than a year. He stated 5 years could be a time limit for a zoning permit. Mr. Budrow stated that wetland permits are often for two years and health permits are for one year. Consistency is needed within all departments.

**MOTION:** Mr. Shipman made a motion to continue **Application No. 20-7** – Essex Zoning Commission, to September 21, 2020. Mr. Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

Mr. Hill asked if Gateway had to get referrals. Mr. Budrow didn't think so.

**Application No. 20-8** – Essex Zoning Commission - A Petition for a Text Amendment to Section 140 (Zoning Board of Appeals) of the Zoning Regulations.

The Commission did not open this application.

**Application No. 20-9** – Essex Zoning Commission - A Petition for a Text Amendment to Sections 40L, 45 and 70 of the Essex Zoning Regulations to discuss properties in different districts.

Mr. Budrow opened the discussion by mentioning he will ask for Atty Royston's opinion later. First, he reminded the Commission that a Legal Notice was published in the Hartford Courant on August 6<sup>th</sup> and 13<sup>th</sup> for the four Commission text amendments.

The text amendment was an idea that sprang from a previous application that was before the Commission. Mr. Budrow mentioned that Attorney Chris Smith has submitted some language and that Commissioner Day had already offered an idea for some language. Also, that language was offered that could be placed within Section 45.

Attorney Chris Smith spoke on behalf of the owner of 26 Main Street, Essex. He reminded the Commission that he was before the Commission before for an application that was eventually withdrawn. For tonight he submitted sample language. He referred to the Zoning Characteristic Chart. Properties within two districts (EV and VR) could see an averaging of the setbacks and

building coverage for those districts to be used on the Village Residential part of a lot. He also mentioned that uses allowed in each of those districts would be allowed on such lots within the districts on the lot. He mentioned he shared the language with Attorney Terry Lomme who represents residents at 20 Main Street. Attorney Smith mentioned he has crafted similar languages to other Towns. He thanked the Commission for their time.

Mr. Shipman asked if there were any questions. He asked Attorney Royston for a comment. Attorney Royston thought the proposed language by Attorney Smith was a good start. He felt the language was an excellent way to approach the subject and feels the Commission should concentrate on the Smith language. Perhaps tweak it. He asked Attorney Smith for a clarification of the 'averaging' language. Mr. Shipman also needed some math clarification. Attorney Smith mentioned there could be some language correction needed regarding how to get to the desired averaging. Peter Glyman shared a thought about how the averages are being used. Attorney Smith stated that the relief would be for the VR section of a property. Attorney Royston concurred.

Mr. Budrow asked the Commission if there was satisfaction about Attorney Smith's language stating that two different uses could be on the same lot. Mr. Shipman stated he focused more on the residential aspect for now. Attorney Smith stated a future application would be required for any new uses. He restated that uses will only be allowed on the portion of the property where those uses are allowed. He stated Mr. Day's proposed language helped with the crafting of his language. Mr. Budrow shared some text language that could be part of Section 45. He stated that the idea stemmed from the previous application for 20 Main Street, Essex. Mr. Carroll shared that the Commission should not be tailoring language for certain properties. Attorney Royston agreed. Mr. Carroll restated being sensible.

**MOTION:** Mr. Shipman made a motion to continue Application No. 20-9 – Essex Zoning Commission to September 21, 2020. Mr. Hill 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 7:22 p.m. Seated for the public hearing were regular members Larry Shipman, Jim Hill, Mark Reeves, Tom Carroll and Jeff Lovelace.

2. **APPROVAL OF THE AGENDA**

The agenda had no changes made.

3. **RECEIPT OF NEW APPLICATIONS**

There were no new applications received.

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

**Application No. 20-4** – Wildwood Medical Center Association, Inc., 35 Saybrook Road, Essex, Ct. - A Petition for a Text Amendment to the Zoning Regulation requesting that Business and Professional offices be allowed in the Village Residence Districts as a Special Principal Use.

**MOTION** made by Russ Smith to approve **Application No. 20-4** – Wildwood Medical Center Association, Inc, 35 Saybrook Road, Essex, CT. Mr. Carroll seconded the motion. All in favor, **Motion carried, 5-0.**

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

There was no old business discussed.

#### **6. VISITORS AND GUESTS**

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

Mr. Budrow asked Attorney Royston to explain the progress that is happening with the plan to merge the Planning Commission and the Zoning Commission. Attorney Royston stated that, as Town Attorney, he provided a draft ordinance to the Board of Selectmen. The Board is scheduling a public hearing to present the draft prior to a Town Meeting. He shared some of the language. The Ordinance could go into effect by as of the 2020 Annual Town Meeting in November. The BOS will provide nominees for a seven-member Commission with staggered terms and three alternates. He mentioned regular members would have three-year terms. The alternates would have two-year terms. New members would be voted on at the Town meeting. He stated that a State Statute states that no more than four members may have terms expire in the same year. January would see the new Commission elect officers and set a schedule. Zoning regulations and Subdivision regulations would remain in place. The Ordinance would have to be approved by a Town Meeting in September to allow for recommendations for membership to be made. He stated political party make-up.

Mr. Carroll asked if this has been approved by the Selectmen. Attorney Royston was instructed to draft the Ordinance.

Mr. Budrow stated that there appears to be a neighboring property to the new Wellness Center, at 57 Main Street in Ivoryton, that is being used differently than as a single-family dwelling. Neighbors have been seeing short-term stays and are concerned. He asked the Commission if it makes sense for the Wellness Center to approach the Commission to tie in the two properties. The Commission agreed. Mr. Shipman stated a Cease and Desist could be a solution. The use at the neighboring property appears to be accessory to the Wellness Center even though it is a different property. Attorney Royston stated the Commission is not making any predetermined decisions and that Mr. Budrow should proceed with the guidance of an attorney.

Mr. Budrow shared that two inland marines have zoning issues. The marine at 90 Plains Road has not completed the installation of required fencing and that a Final Notice is about to be sent.

Mr. Shipman stated a Cease and Desist could aid in this situation. Second, an inland marine use has commenced at a property on Industrial Park Road and that the owner should have an application in September before the Commission.

**8. OTHER BUSINESS**

Mr. Lovelace asked about the activity at 53 Main Street where The Red Balloon used to be. Mr. Budrow stated the plan was to increase parking spaces with some being used for employees of Carlson's Landing. A parking reorganization may require a visit to the Zoning Commission.

**9. APPROVAL OF MINUTES**

There was a clarification as to who may have a seconded a certain motion.

**MOTION** made by Jeff Lovelace to approve the July Minutes. Mr. Hill seconded the motion. All in favor, **Motion carried, 4-0.**

**10. CORRESPONDENCE AND PAYMENT OF BILLS**

Mr. Budrow shared an invoice from Dzialo, Pickett and Allen for \$222.

**11. ADJOURNMENT**

**MOTION** made by Jim Hill to adjourn the meeting at 7:58 pm. Mr. Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

Respectfully submitted,

Joseph Budrow  
Certified Zoning Enforcement Official