

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – Monday, June 15, 2020

## PUBLIC HEARING

Present: Larry Shipman, Chairman  
Bill Reichenbach, Secretary  
Mark Reeves Regular Member  
Russ Smith Regular Member  
Alternate Member Robert Day III  
Alternate Member Jeffrey Lovelace  
Alternate Member Thomas Carroll

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 p.m. Seated for the public hearing were regular members Larry Shipman, Russ Smith, Bill Reichenbach, Mark Reeves, and Rob Day, III.

**Application 20-3 – Ruthann Paulin 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. The application was continued from last month's meeting.

Mr. Shipman asked if there was new correspondence. Mr. Budrow shared a memo written by Attorney David Royston that answered a question from the Zoning Commission regarding the legality of changing a Town Map with conditions for future development. The letter was displayed on the screen. The answer stated that a condition could not be attached to a favorable zone change.

Attorney Lomme presented and continued with a presentation by first referring to the Royston memo and agreeing with it. He then mentioned that previously-shown site plans do not show an addition onto the house but alternative locations for a garage and potential accessory dwelling. He mentioned that only the Goldings have objected. He mentioned building coverages on area properties. He then stated that the Plan of Conservation and Development supports this type of activity and housing density.

Atty Lomme asked for the Town Map to be displayed. He described the property layout. He mentioned that a future garage and ADU would only be seen by the Goldings, Rollins and the new owner at 24 Main Street, SX.

Atty Lomme asked if there were any questions.

Atty Ed Cassella spoke on behalf of the Goldings. He mentioned a concern about overdevelopment of the area. He mentioned setbacks of the EV District could affect the Golding's property value.

Mr. Shipman asked if there were any comments or questions. Ms. Paulin thanked the Commission for their efforts.

Mr. Smith asked what the building coverage was at the Goldings. Atty Lomme shared that it was about 27%.

Mr. Reeves wanted to know about nonconformities and asked of the existing garage was nonconforming in location. The answer was yes. There was discussion on the shared Option A and B site plans. Atty Cassella stated that if approved the applicants could add another 1,900 square feet of building coverage.

Mr. Reichenbach asked if the proposed garage could be seen from the Town Park. Atty Lomme asked to see the Town map and answered that he didn't think the garage would overwhelm the Park. An elevation of the proposed garage was displayed on screen.

Mr. Shipman asked for any more comments or questions. Atty Lomme shared that the applicants want what's good for the Village. He asked for an understanding that the Planning Commission was in favor the map changed. He was happy for the thorough discussion over three months.

**MOTION** made by Russ Smith to close the public hearing for **Application No. 20-4 – Ruthann Paulin and Peter Glyman**, 20 Main Street, Essex, CT. Mark Reeves 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 7:39 p.m. Seated for the public hearing were regular members Larry Shipman, Russ Smith, Bill Reichenbach, Mark Reeves and Robert Day, III.

### **2. APPROVAL OF THE AGENDA**

The Commission confirmed that the current agenda was accurate. **MOTION:** made by Russ Smith to approve the agenda as presented. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

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

Mr. Shipman introduced the new application submitted by Wildwood Medical Association, LLC. Attorney John Bennet was present to discuss. He confessed that he took the proposed language from the Commission's delayed zoning regulation amendments. He stated there wasn't any planned building expansion. He mentioned that the desire for expanded uses are desired by the Association at the property.

**MOTION:** Mr. Reichenbach made a motion to schedule Application No. 20-4 – Wildwood Medical Center Association, Inc., 35 Saybrook Road, Essex, Ct. for a public hearing for July 20, 2020. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

### **4. NEW BUSINESS**

Mr. Shipman opened the discussion for Application 20-3. Mr. Smith asked if there was a possible text amendment that he had heard about. The answer was that was a topic for a future discussion. Mr. Budrow referred to Section 10 (Preamble) as a potential guide to a decision. It was stated that the ZBA dropped the ball in 1987 when it urged a formerly vacant lot be merged with 20 Main Street. Then recently kicked this proposal to Zoning for a potential District line change. Mr. Shipman stated he thought this proposal was supported by the PoCD. Mr. Day expressed dissatisfaction that the ZBA opened the door for this situation. Mr. Carroll expressed there is a precedent issue and asked how that is handled. He referred to the letter submitted earlier by Mr. Atwood. Mr. Lovelace thought the boundaries were set in the existing location for a reason. He expressed a reluctance to allow the change. Mr. Shipman expressed that there is a path to request these changes. Mr. Carroll stated that expansion of a zone might not add to the vibrance of a downtown area.

**MOTION** made by Russ Smith to approve Application No. 20-4 – Ruthann Paulin and Peter Glyman, 20 Main Street, Essex, CT, as it was consistent with the Town Plan of Conservation and Development and conforms with the Essex Village District (Section 70). Mr. Shipman seconded the motion. 2 in favor. 2 against. 1 Abstention. **Motion DENIED, 2-2-1.**

Atty Royston stated that the decision didn't have to be stated as 'without prejudice'. The applicants have other recourses.

### **5. OLD BUSINESS**

Joe Budrow made a brief update that a past approval at 6 Main Street, CTBK- Surfridge Brewing is not opened yet, and is still being fitted out by the witch hazel company property owners. A patio was recently laid out. The next phase is for the brewery company owners to begin making it into a functional brewery.

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

None.

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

Mr. Budrow thanked Atty Royston for his speedy response to a late referral, and also thanked him for other help on zoning issues. Mr. Budrow mentioned a few potential applications in the future.

## **8. OTHER BUSINESS**

Mr. Budrow was hopeful that the Commission would green light some potential text amendments to Sections 20, 40 (maybe), 45 (maybe), 121 and 140. Mr. Day discussed a text amendment he had with regard to Section 45L that relates to lots within two different zoning districts. He discussed an idea for measuring the lot area that is in each district and regulating building coverage separately on those portions of the property. Mr. Budrow stated that this will not take into account setback lines. Mr. Day stated that the idea was to help people throughout town. Atty Lomme confirmed the square footage numbers related to the 20 Main Street property. Mr. Shipman mentioned an idea for coverage and aggregate. Atty Royston made a comment about procedure. He mentioned that there is no public hearing going on regarding any text amendments. He proposed a way to go forward with text amendments with referrals to the Planning Commission.

## **9. APPROVAL OF MINUTES**

**MOTION** made by Russ Smith to approve the minutes of the May 18, 2020 meeting. Robert Day, III seconded the motion. All in favor, **Motion carried, 5-0.**

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

Mr. Budrow stated he will get back to sending legal invoices back to the Commission.

## **11. ADJOURNMENT**

**MOTION** made by Mark Reeves to adjourn the meeting at 8:18 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Respectfully submitted,

Joseph Budrow  
Certified Zoning Enforcement Official