

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – Monday, May 18, 2020

PUBLIC HEARING

Present: Larry Shipman, Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
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

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, Jim Hill, and Mark Reeves.

Application 20-4 – 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 continued from last month's meeting.

Larry Shipman refreshed the audience of what was agreed upon from the last meeting, where Ruthann and Peter Glyman to present new zoning maps and plans. The Glyman’s Architect Hope Proctor started the meeting by discussing numerous options of the garage and how it can be constructed.

Russ Smith asked if any square footage to be added to the existing house, Hope Proctor clarified the coverage. 50% coverage for the Golding lot was mentioned. Counsel Terry Lomme replied to Russ Smith's question by explaining #6 on the zoning map. Terry Lomme mentioned that assessors recorded .06 acres, and the house's footprint is 700 sq. Ft. Joe Budrow mentioned it comes to 27% and that they were over the 25% max.

Jeffrey Lovelace asked Hope Proctor to clarify that adding to the main house is not an option. Hope replied by adding onto the garage is the option they want only to pursue. By adding on to the side of the home can deteriorate the character of the home.

Mark Reeves asked if the house would be sold in the future; if there is a dwelling unit, it will become a rental home. Mark Reeves expressed his concern about coverage of what may happen years down the road with changes. Mark Reeves asked about the height of the building and how tall the building can be. Hope Proctor replied by saying it is lower than most adjacent houses. Terry Lomme explained that zoning would not allow that and that the future of the property if sold, would need to go back to the Zoning Commission for approval.

Larry Shipman asked Terry Lomme what if they change the side yard setbacks and building heights and putting it in a different zone and how much discretion is left. Hope Proctor replied with reassuring dimension information. Joe Budrow mentions that town will never lose the knowledge that there are two dwellings on the lot. Joe Budrow informs that in the future, if the new owner needs to continue the use of accessory dwelling units, and they have the right to rent it out to anyone they want, it does not have to be a family member.

Terry Lomme expresses a concern of over developing, plan and impact of Goldings, Terry Lomme understands the Golding's concern. However, Terry Lomme says it will be minimal impact on the Goldings. The first step is changing zone, second is to provide a plan for the zoning commission to approve, and Terry would be open for revisions. Terry Lomme mention he does not want to focus too much on the design right now, just to get moving forward with the approval of changing the zoning map first. Terry Lomme shows the audience Plan A, B, and C of where the garage construction would be and informs that it would not impact the Goldings property view.

Counsel Ed Cassella refreshed the audience that the Goldings concern that the zone change will open extensive zoning for the property. 25% coverage would allow an additional 1900 sq. Ft to be built on the property, the property is subject to be substantially overdeveloped, if not now, in the future, perhaps. Ed Cassella said changing the zone, will allow more forms of additional structures. Ed Cassella believes that you cannot condition a map amendment on just a "promise" from the applicant.

Joe Budrow asked permission from Ed Casella if he agreed for the letter to be submitted without reading it -verbatim. Ed Casella agreed.

Mark Reeves says if the commission approves the regulations for the construction for building, it can cause a disaster in the future. Tom Carroll suggested talking to the neighbor at 6 Meigs Lane to come up with a solution, and Tom Carroll does not believe the Zoning Commission should make the final decision. Applicant Ruthann Paulin explains that she has tried to speak with the neighbors of the dwelling unit construction plans, and the neighbors declined her presented plans.

Terry Lomme reassures the audience that there won't be a massive structure on the property. He thinks its unlikely future owners will not expand, unsure where regulations will be in the years to

come. If, by chance, if there needs to be a revision to the property line. It should be addressed in the future, and the applicant is not penalized now for their plans.

The commission discusses the future problem of property lines. Terry Lomme explains how septic is behind the house, Mark Reeves replied on how the septic can be moved, so the applicants can add on to the home, and explains how there's are ways around to not to do a zone change. Hope Proctor replied there must be a zone change. Mark Reeves expresses his concern and suggests that he wants to offer protection to 6 Meigs Lane and minimize the possibility that someone can turn this into a business property in the future. Mark Reeves expressed how, in the future, someone can add an additional 1900 sq. Ft or more to the property. Joe Budrow reassured Mark Reeves that the principal dwelling that is the principal use of property could not combine commercial property as a single-family dwelling. Larry Shipman mentioned he could only hope that the house remains residential for the time to come and that the property is not to be opened to unreasonable development in the future. Larry Shipman asks the audience if anyone had any questions or had any further information.

Jeff Lovelace asked if they could divide the lot into two zones. Having the Essex Village zone for the house, and for the garage have it be in the Essex residential zone. Hope Proctor said they could not do it unless the regulations change. Joe Budrow said Zoning Commission mailing on Tuesday, May 12th, the commission needs to digest information to provide answers to questions. Joe Budrow asked the audience if the Zoning Commission would consider continuing this hearing this to June 15th, 2020. Joe Budrow thinks the commission needs to review more information for a zone expansion of Essex Village. The expansion of the zone does open possibilities for the property, and Joe Budrow said the commission needs more time to review this hearing. Joe Budrow expresses his opinion for the commission not to decide tonight.

Larry Shipman asked the audience if they need additional information and asked the applicant if they want to provide anything else. Larry Shipman offers options on decision-making, made it open to closing the public hearing, or open the public hearing into next month. Applicant Ruthann Paulin expressed her opinion of prolonging the decision.

Terry Lomme asked Larry Shipman if it would make sense to speak to the commission counsel if there is a way to mimic the amount of coverage on the lot, Larry Shipman agrees to do that. Terry Lomme asked the question to consider a guideline for a policy to combine a lot in two different districts into one of the other districts. Currently, Terry Lomme is unaware of regulations and asked for clarification from the commission. Larry Shipman replied to Terry Lomme that a lot that is split between two zones adopt the most restricted zoning of the two zones. Policy where possible, the commission would like a single lot in one zone and had to deal with that example in past applicants—regards to the procedure for commercial not so much in residential usages.

Questions and comments were opened to the audience Joe Budrow answered some questions referring to the zoning map presented. Larry Shipman asked is the rest of the commission can send out to counsel to get a second opinion.

MOTION made by Russ Smith yielded to no decision and to continue **Application No. 20-4** – **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. (***)Decision to be made by June 25, 2020, to the next hearing on June 25, 2020, and for the applicants at 20 Main Street to provide a summary to help conclude this hearing. The Zoning Commission agreed they would like to close the public hearing by the next meeting. 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 8:24 p.m. Seated for the public hearing were regular members Larry Shipman, Russ Smith, Bill Reichenbach, Jim Hill, and Mark Reeves.

2. **APPROVAL OF THE AGENDA**

Joe Budrow mentioned there was a modification to the agenda that was posted a few days prior. A new application came on Friday, May 15, 2020, for a site plan review at 7 Hanna Lane, Essex, from Peter Williams.

3. **RECEIPT OF NEW APPLICATIONS**

Application No. 20-5 – **Peter Williams**, 7 Hanna Lane. An application for a Site Plan Review to locate a 720 square foot detached garage on the property. (Decision to be made by October 20, 2020)

4. **NEW BUSINESS**

MOTION: made by Larry Shipman to accept **Application No. 20-5** – **Peter Williams**, 7 Hanna Lane. An application for a site plan review to locate a 720 square foot detached garage on the property. (Decision to be made by October 20, 2020)_Larry motioned, - Bill Reichenbach seconded. **All in favor, Motion carried, 5-0.**

Application No. 20-5 – **Peter Williams** - 7 Hanna Lane. The applicant’s agent, Joe Wren, starts by bringing up a visual map to build a garage and constructing a ½ story detached garage and modifying the existing driveway. Joe Wren shows on the visual map the existing one-story three-bedroom dwelling. Joe Wren presents a site plan to the Zoning Commission that has already been approved by nearby neighbors of the property line, as well as the Essex Health Department, Wetlands Commission, and the Essex Zoning Board of Appeals to approve of the plans. Architect Denise VonDassel representing the applicant provided features of the new garage and showed the relationship between the proposed garage at an angle to the existing main house. It is shown that the roof is lower than the portion of the current home. From the Connecticut River, the house will block the garage view because it is tucked behind. Proposed plans are shown at a slight angle 8 ft away from the existing home, and it will be used for storage and garage. Denise

VonDassel mentions that the house does not provide storage; therefore, the garage will be used for storage. There is a set of stairs inside the garage, and the highest point of the ceiling is 9 feet. The garage is to be constructed as a low profile, natural cedar, and to blend into the surroundings. Tom Carroll asked about the feedback from neighbors, Denise Vondassel replied to Tom explaining that the neighbors wrote letters of support for the garage. Joe Budrow confirmed there seven letters of support and none opposing. Denis VonDassel said the garage was determined by safety of getting in and out, it is a tight driveway and has a slope going into it. Making the location putting it behind the house was done for access and safety, and it would not block any of the neighbor's views of the Connecticut River. Larry Shipman asked the commission for any questions and comments regarding the information that was provided. No questions were asked.

MOTION made by Russ Smith to approve **Application No. 20-5** – **Peter Williams** 7 Hanna Lane. An application for a site plan review to locate a 720 square foot detached garage on the property. The Essex Zoning Commission complies with Section 118A.3 and Section 60 Village Residential. James Hill seconded the motion. All in favor, **Motion carried, 5-0.**

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. 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

Joe Budrow mentioned that he would be writing a memo to David M. Royston, who is a Land Use/Zoning, Real Estate Counsel located in Middletown, CT. The memo is about clarifying whether the Zoning Commission can approve an amendment to the town zoning map with conditions or stipulations attached to the development of a property and commercial aspects.

8. OTHER BUSINESS

Joe Budrow explains potential text amendments to the Gateway Conservation District. In January 2019, Joe Budrow explains the former Gateway regulations, and now he would like to submit revisions for regulations to be less restrictive on the shoreline. Joe Budrow mentioned there was a 50 ft gateway buffer area, and then it was doubled to 100ft. Joe Budrow read off the policies of the current gateway buffer area. He expressed his concern about sending every application to the Zoning Board of Appeals. Joe Budrow shared his thoughts to the commission on better terminology for the Gateway district. Joe Budrow mentions that sheds under 200 sq. Ft, fences, walls, pedestrian walks, terraces, and underground utilities should be exempt. Joe Budrow also reads the Zoning Board of Appeals regulations off Sec 140 and Sec 140. J in

helping it be one less step for an applicant. The commission also expressed opinions of split zone properties to be revised as well. Joe Budrow concluded this topic by stating he will be making a memo to send out, and the commission will review for July's petition.

9. APPROVAL OF MINUTES

MOTION made by Russ Smith to approve the minutes of the April 20, 2020 meeting, with the changes that Robert Day III was seated for James Hill. James Hill was not absent from the last meeting. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

None.

11. ADJOURNMENT

MOTION made by Larry Shipman to adjourn the meeting at 9:02 p.m. Mark Reeves seconded the motion. All in favor, **Motion carried, 5-0. The next scheduled regular meeting is Monday, June 15, 2020.**

Respectfully submitted,

Kristin Gleason
Zoning Board Clerk