

**ESSEX ZONING COMMISSION**  
29 WEST AVENUE – Essex, CT 06426

MONDAY - January 23, 2011

Town Hall – Meeting Room A  
Essex, Connecticut  
7:00 PM

**PUBLIC HEARINGS**

Seated for the Public Hearing were Chair Al Wolfgram, Secretary Larry Shipman, Jim Hill, and alternate Jeff Lovelace for absent member Susan Uihlein.

Also in attendance were alternates Bill Reichenbach and Bob Connally, Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow.

**Motion** was made by Larry Shipman and **seconded** by Jeff Lovelace to go to New Business item -appointment of alternate member to fill a regular member vacancy.

**Motion carried.**

**Motion** by Jim Hill and **seconded** by Jeff Lovelace to appoint Bill Reichenbach to the vacant regular member position. Motion carried.

Motion to go to the Public Hearing.

**PUBLIC HEARINGS**

Larry Shipman read notice of Public Hearing.

Application 11-6 – Application for a special exception for the conversion of a single family dwelling to a two-family dwelling at 65 North Main St., Ivoryton, CT, Assessor Map 38 Lot 5. John Carlson is the applicant. Published in the Hartford Courant on Dec. 6 and Dec 16, 2011 (Public Hearing to be closed by February 27, 2012)

Engineer Bob Doane presented on behalf of John Carlson. The building is just under 30,000 sq. Ft. They would like to add an apartment to the back of the house with a garage under and one bedroom above. RUN zone does not allow accessory apartments but does allow multi-family dwellings. Under 62B the area does not apply when it is a special exception multi purpose use. It has shown a code compliant system, which was reviewed and approved by the acting Sanitarian. Sedimentation and erosion control was done. This is not expanding a previously approved footprint, but adding a kitchen to an existing 1-bedroom apartment. It is compliant with Zoning,

There is a request to expedite the signing the memorandum of decision. There were no public comments in favor or against.

**Motion** to close the Public Hearing made by Larry Shipman and **seconded** by Bill Reichenbach. **Motion carried.**

### **REGULAR MEETING**

Seated for the Regular Meeting were Chair Al Wolfgram, Secretary Larry Shipman, Jim Hill, Bill Reichenbach, and alternate Jeff Lovelace for absent Vice Chair Susan Uihlein. Also in attendance were alternate Bob Connally, Attorney Peter Sipples and ZEO Joe Budrow.

### **NEW BUSINESS**

Discussion and possible vote on Application 11-6 – Application for a special exception for the conversion of a single family dwelling to a two-family dwelling at 65 North Main St., Ivoryton. John Carlson is the applicant.

**Motion** by Larry Shipman to approve Application 11-6 – Application for a special exception for the conversion of a single family dwelling to a two-family dwelling at 65 North Main St., Ivoryton, in conformance with Section 130 and 131 of the Zoning Regulations and to expedite the signing of the Memorandum of Decision. **Seconded** by Bill Reichenbach. **Motion carried.**

### **OLD BUSINESS**

**Application 11-7** - Petition to adopt the Town's new digital map as the official Town of Essex Zoning Map, a computer based version of the paper map, that shows the newly created business district as well as the three re-zoned parcels approved on June 20, 2010.

**Application 11-8** - Petition to add zoning regulation 121A6 and 140L, and to remove the text of current regulation 121I.

ZEO Joe Budrow requested that tonight's Public Hearing be changed to March 19<sup>th</sup> as he is still working on some of the language for the proposed regulation changes. A proposal to add a regulation requiring a zoning permit for a lot line revision will be included.

Al Wolfgram discussed changing the notice process by having it done by Zoning at the expense of the applicant.

**Motion** by Larry Shipman to accept Applications 11-7 and 11-8 and schedule them for a Public Hearing on March 19<sup>th</sup>. **Seconded** by Jim Hill. **Motion carried.**

## **Gateway Conservation District regulations**

Selectman Joel Marzi sent a memo with an opinion by Attorney Sipples from August 2003 regarding the Gateway.

Attorney Peter Sipples commented that as a legislative body at a Town Meeting we voted to participate in the Gateway back in 2003. The issue was discussed.

Revision of the regulations by Zoning to meet the minimum standards is an option. The spirit of the meeting last month with the folks from Gateway is a give and take, Zoning could counter propose and negotiate.

Bill Reichenbach feels this needs to be carefully looked at. Essex is the only one of 8 towns to not have signed on. The next meeting will be a work session on this issue.

## **RECEIPT OF NEW APPLICATIONS**

Application 12-1 – Petition to amend the text to zoning regulations sections 63A.2(J), 63A.2(J)(!), 63B.1, 63B.3(D), 63B.3(H), 63-2 (title), 63-2A, 63-2A.2(A), 63-2B.1, 63-2B.3

Attorney Terry Lomme spoke on behalf of Ed Hoberman and Mark Levine, asking if this Commission might change Active Adult regulations and 63-2.

This would change “active adult community” to targeted adult community. They don’t want a statutory requirement of over 55. This causes difficulty with marketing. It requires only 80% be over 55. There are no changes to the original Essex Glen application.

As a regulation change, it needs to be referred to Planning.

**Motion** by Bill Reichenbach and **seconded** by Jim Hill to receive application 12-1 with the amended attachment of the currently approved site plan for Essex Glen and schedule the Public Hearing for March 19<sup>th</sup>. **Motion carried.**

## **VISITORS AND GUESTS**

None

## **REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT**

Attorney Peter Sipples reported on the Bombaci appeals. There was a court date last Tuesday. The date for filing the return of record is April 3; their brief is due May 4 and the Essex brief on May 5. The applicant is trying to establish that he has a valid non-conforming use. He has to show it has existed continuously since 1966.

ZEO Joe Budrow reviewed the CT Valley Railroad property and its uses. Since they are on state land, there was a question as to whether they exempt from Zoning regulations. There were various permits for activities in the past. They are proposing a building expansion. This is a private companies leasing state property. Essex Zoning has jurisdiction, any land within the town can be regulated. Joe Budrow will meet with them and report next month.

The Ivoryton Inn flea markets were discussed. Since the flea market doesn't relate to the principal use of an "inn", it isn't an accessory use. The sign should be down. Future septic compliance with the building is under discussion.

## **OTHER BUSINESS**

**Motion** by Larry Shipman and **seconded** by Bill Reichenbach to approve the minutes of the December meeting. **Motion carried.**

The budget request for the new fiscal year has been submitted to the Board of Selectmen.

A line item was added to the Zoning budget for Special Consultants that may be hired to review applications paid for by applicant.

## **CORRESPONDENCE AND INVOICES**

**Motion** by Larry Shipman and **seconded** by Bill Reichenbach to approve payment subject to availability of funds. **Motion carried.**

## **ADJOURNMENT**

**Motion** by Jim Hill and **seconded** by Larry Shipman to adjourn at 8:00 p.m.  
**Motion carried,**

Respectfully submitted,

Sandra Meinsen

Recording Secretary