

ESSEX ZONING COMMISSION
239 WEST AVENUE – ESSEX, CT 06426

Monday, November 28, 2011
Town Hall – Conference Room A
Essex, Connecticut
7:00 p.m.

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 Street, Ivoryton, John Carlson is the applicant. (Public Hearing to be closed by January 2, 2012)

Seated for the Public Hearing were Chair Al Wolfgram, regular members Larry Shipman, Lillian Mosa, Jim Hill, and alternate Jeff Lovelace for Susan Uihlein. Absent were Susan Uihlein, Robert Connelly and Attorney Peter Sipples.

Also present were Zoning Enforcement Officer Joe Budrow, and alternate Bill Reichenbach.

Motion made by Larry Shipman to table Application 11-6 until the December 19, 2011 meeting. Seconded by Lillian Mosa. Motion carried.

The Public Hearing was not held due to the sign not being posted.

REGULAR MEETING

Seated for the Regular Meeting were Chair Al Wolfgram, regular members Larry Shipman, Lillian Mosa, Jim Hill, and alternate Jeff Lovelace for Susan Uihlein.

Motion by Jim Hill to adjust the agenda and move 4. Visitors and Guests, to the first item of the meeting, and 5. Report from Zoning Enforcement Officer, to the last item of the agenda. **Seconded** by Jeff Lovelace. **Motion carried.**

1. VISITORS AND GUESTS

Susan Malan – Water Pollution Control Authority

Chair Al Wolfgram stepped down as Chair for this discussion as he was involved with this WPCA item. Larry Shipman took over for the Chair. WPCA Chair Susan Malan presented, asking for support to update the Facilities Management Plan. She has also gone to EDC and the Planning Commission for support. The last Plan was done under DEP order in 1998, so is now outdated. Al Wolfgram noted that with the Transportation Study, the Ivoryton Study, and the Plan of Conservation and Development, this is a lagging piece. It would be beneficial

to have support from Zoning to take to the Board of Selectmen when asking for granting opportunities or funding. Susan Malan feels it would be less expensive to be proactive rather than having a DEP order to complete a new Plan. A limited Ivoryton Wastewater Study was just finished days ago and will be sent to this Commission. Bill Reichenbach feels it is a reasonable thing to do every 10 years or so. Funding was discussed and is unknown at this point. This Plan would not include dump activity, but only address sewage.

Motion by Lillian Mosa to issue a letter of support for the WPCA 's mission to undertake an updated Facilities Management Plan. This is not a financial commitment. **Seconded** by Bill Reichenbach. Four members were in favor and Jim Hill was opposed since the cost is unknown and feels more information is needed. **The motion carried.**

Attorney Chris Smith representing Ken Bombaci, respectfully requested the commission allow seasonal retail in the property across the street from the existing property in the light industrial zone. An amendment was drafted to cover all 3 properties. This was presented to Attorney Sipples and will be discussed in Executive Session.

2. NEW BUSINESS

3. OLD BUSINESS

None

4. RECEIPT OF NEW APPLICATIONS

Application 11-7 – Petition to propose the approval for the Town's digital map, a computer-based version of the paper map, that shows the newly created business district as well the re-zoned parcels approved on June 20, 2010

ZEO Joe Budrow presented. Attorney Sipples recommended formally adopting the zoning map change of the paper map into digital format after the zoning revisions.

Motion by Larry Shipman to accept Application 11-7 and set the Public Hearing for January 23, 2011. **Seconded** by Bill Reichenbach. **Motion carried.**

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

This application would add two new regulations and modifying 121I. First, 121 A6 is for lot line revision. Lot line revisions are referred to as needing a zoning permit. The Sanitarian must sign off on them. This makes the process official.

Right now, on the day the zoning permit is approved, notification must be sent to abutters. In the new proposal, 140L would require that notification within 7 days of signing off on a zoning permit. After the zoning permit is approved, a letter would be given to the applicant and they would be responsible for publishing. There was discussion on this change.

It was recommended to accept this application in January with revision.

121I addresses notification to adjacent property owners. For any application for a variance, the applicant shall notify abutting property owners in writing by mail within 7 days that an application is pending before ZBA. The applicant must provide written proof of mailing the abutters notices to the ZEO. This is strictly for ZBA.

Zoning has in the past, automatically sent out notices to abutters. This would make it official at the request of ZBA. Currently, abutters across the street are not noticed. The cost of mailing will be the burden of the applicant. The process will be determined at the Public Hearing. Language will be modified for review in December.

5. OTHER BUSINESS

ZEO Joe Budrow reported discussion with journalists for the meeting on the Gateway.

He also has been taking down and monitoring signs, as they have become a nuisance. This is a joint responsibility between the Zoning Commission and the town. It was discussed at last month's EDC meeting. Commercial vs. charity vs. "lost cat" was discussed. Part of the regulation needs to satisfy the needs without interfering with character and needs. This will be ongoing.

The Gualazzi issue will come to rest. A letter will go out that there is no violation with regards to expansion of a non- conforming use. An addendum will require them to cease auto repair.

The Essex Basketball court was approved. One of the half court practice courts has been eliminated so they may need a modification of the application.

47 Plains Rd., has ZBA approval for offices in an existing house, which has been replaced. The new building will be office space but Joe Budrow will check to see if it matches the old footprint.

6. APPROVAL OF MINUTES

Motion made by Larry Shipman to approve the minutes of October 17, 2011.

Seconded by Jeff Lovelace. **Motion carried.**

7. CORRESPONDENCE AND PAYMENT OF BILLS

There were two bills from legal services. **Motion** by Larry Shipman and **seconded** by Lillian Mosa to approve payment of invoices pending availability of funds. **Motion carried.**

A Memorandum from Attorney Peter Sipples and a draft of a letter from Al Wolfgram to the Planning Commission were reviewed. The Chair of the Planning Commission asked Al Wolfgram to have Joe Budrow work with the Planner to look at differences between the Plan of Conservation and Development and Zoning regulations. Al Wolfgram is of the opinion that each Commission does their own work and shouldn't be intertwined. Attorney Sipples also looked into it. The Chair will ask Planning to identify 2 things from the Plan of Conservation and Development for Zoning to look at. The Plan of Conservation and Development is a guideline. It is not upholding anything. Zoning brings changes to the public and must make sure everything is exact. The separateness is a check and balance. Jim Hill brought up the example of the Zoning overlay. Zoning is not responsible to activate what is in the Plan.

Motion was made by Larry Shipman and **seconded** by Lillian Mosa to go into Executive Session at 8:05 p.m. **Motion carried.**

8. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT Executive Session

- Discussion of possible settlement regarding 45 Plains Rd. LLC; Kentwood, LLC and Kenneth Bombaci v. Zoning Commission of the Town of Essex for applications #11-1, 11-2, and 11-3.

9. ADJOURNMENT

Motion by Jim Hill and **seconded** by Lillian Mosa to adjourn. **Motion carried.**

Respectfully submitted,

Sandra Meinsen
Recording Secretary