

ESSEX ZONING COMMISSION
29 WEST AVENUE – ESSEX, CT 06426

Monday, December 19, 2011
Town Hall – Conference Room
Essex, Connecticut
7:00 PM

Call to Order and Seating of Members:

Chair Al Wolfgram called the meeting to order at 7:05 p.m. Seated were Chair Al Wolfgram, Susan Uihlein, Larry Shipman, Jim Hill, Bob Connally for Lillian Mosa. Also present were alternates Bill Reichenbach, Jeff Lovelace, Attorney Peter Sipples, and Zoning Enforcement Officer Joe Budrow.

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. John Carlson is the applicant. (Public Hearing to be closed by January 23, 2012.)

Motion by Susan Uihlein to commence the Public Hearing on January 23, 2012.
Seconded by Larry Shipman. **Motion carried.**

Motion by Larry Shipman to move **4. Visitors and Guests** up to Item 1 on the agenda. **Seconded** by Susan Uihlein. **Motion carried.**

REGULAR MEETING

1. VISITORS AND GUESTS

- Torrance Downes and Anthony Chirico, Connecticut River Gateway Conservation Commission

2. PUBLIC MEETING

- Discussion and possible revisions to Zoning Regulations section 101, Gateway Conservation District

This was a public meeting to inform members of the Zoning Commission of the Gateway Commission, its mission and its revised regulations. This will help the Zoning Commission in making decisions as to how to move forward.

J. H. Torrance Downes presented. He is Senior Planner at CRERPA, and one of his roles is to staff Gateway. Dr. Melvin Woody, Chairman of Gateway from Old Lyme, has been on the Commission since its inception in 1973. Tony Chirico, Essex Representative to Gateway was present as well. Peggy Wallace, Chester representative, was also in attendance.

The federal government who saw an acute need for recreational opportunities drove this. The federal objective was to preserve the scenic character and town charm in this area with a national park combination of conservation and recreational public use. Gateway was the response to insure that local control was maintained as well as town character. Eight towns formed the Gateway Commission from East Haddam and Haddam down to the mouth of the Connecticut River. All 8 towns are members of the Compact. Essex is a member of the Gateway, but has not adopted the regulations.

The standards were last revised in 2004. There is a statutory Conservation Zone Boundary and now a proposed Conservation Zone boundary. The mission of Gateway was reviewed. It is to protect the scenic, historic and environmental resources of the lower river. Gateway has purchased over 1,000 acres through land acquisition, easements, and development rights. This land is turned over to the State of Connecticut to hold for protection. The “tools” available to Gateway were described including: minimal zoning standards, veto power, variance review authority, and special exception review. The new standards include site platforming, no-cut riparian buffers, existing natural grade, 100-foot river setback, building height, and tree cutting.

Further detail is available at www.ctrivergateway.org

Anthony Chirico, Essex representative to Gateway, reviewed the map with the red and blue lines marking the zones. In the 70's, the lines were arbitrary. Stage 2 looked at the second set of rules and which houses the rules would apply to. 33% of all parcels in Essex fall into the original red line. Former ZEO Marian Staye, Al Wolfgram, and Anthony Chirico looked at the area of impact and the blue line covers the area that can be seen from the river.

In the case of a Special Exception application, a date is set for the Public Hearing, and during the intervening time, Torrance Downes reviews it in time for the meeting if requested by Zoning. If a variance application is referred to Gateway, it goes to the Gateway Commission. By statute it goes through the town process and the decision is sent to Gateway for their overall approval. By the time local process is done, the details have been worked out.

The northern boundary is Haddam and East Haddam. The blue line is close to the first ridge and is a more topographic line. The original red line is based more on geography and topography, not necessarily as it related to the river. Zoning respects the Gateway regulations, but Zoning wants to be sure that they are not onerous to property owners.

Gateway doesn't review subdivisions or re-subdivisions.

Special exception is for over 4,000 sq. ft. and is more discretionary. The minimal standard is special exception that requires a Public Hearing and this allows more discretion for Zoning authority to have the applicant negotiate if necessary. Gateway has discussed the possibility of trying a year of site plan review (less financially onerous). Gateway wants Essex to adopt the new standards, so Gateway is willing to negotiate.

Public comment was opened.

John Ackerman asked about work recently done at the CT River Museum. It only required Wetland approval.

ZEO Joe Budrow explained that if a variance is needed, copies would go to Gateway and Gateway would ask ZBA not to hear it until their Commission can meet with the applicant and then send a letter with their opinion to ZBA recommending how to go forward. All ZBA applications go there for review, but Zoning refers to Gateway if desired. If a variance is required, the Land Use office is required to send a copy of the application to Gateway.

Nancy Arnold – Wetlands Commission member, discussed tree cutting in the Wetlands/regulated area. She is concerned about expanding Gateway jurisdiction into the Wetlands jurisdiction.

Wally Scheiferdecker asked why Essex did not adopt the regulations in 2004. The blue line was created since then. The red line was felt to be too much of a burden on the town and the number of houses impacted. The area that is affected is smaller with the blue line. Susan Uihlein reflected that Essex was trying to avoid another layer of regulations.

Strick Hyde feels that there isn't a problem or a need for another set of regulations.

Jane Piro noted that this is a conservation issue, and a world heritage site that needs protection. If 7 other towns can be part of Gateway then why not Essex? She feels that Zoning should move forward on this.

Marian Pleva, a member of the Conservation Commission, read a letter into the record stating their support to adopt the Gateway regulations. This vote was taken at the December 8, 2011 meeting.

Pre existing conditions will be reviewed, since new regulations would prevent, for example, cutting the grass at the public park that is on the river.

Dr. Melvin Woody noted some of the proposals over the years (Saybrook/Long Island bridge, oil platform) that were avoided through cooperation. Dr. Melvin Woody explained the process, and that Gateway backs up the local boards. Essex is part of it, and the towns need to work together and collaborate.

Jim Rawn asked how this process would unfold. Al Wolfgram responded that this is a long-term process. Public comment will be considered, the regulations will be examined, possibly a sub-committee will be established and a Public Hearing will be held.

Linda Dwyer asked about legal threat and potential legal action. Torrance Downes responded that Gateway strives to avoid conflict at all cost and works to collaborate with the town.

Nancy Arnold - Why now? Torrance Downes responded that this has been ongoing and could have been used many times. Tony Chirico has worked to bring this to the forefront. Gateway has been asked to comment in the past by former ZEO Marian Staye.

Gerry McMillan expressed that Essex should make their own determination.

Al Wolfgram feels that Essex has a responsibility to protect the river so how best to protect the town and the river is what needs to be ferreted out.

Wally Schieferdecker questioned the impact of Section 101D.

Janice Ely Meyer voiced concern for the future of the river.
Public comment ended.

3. OLD BUSINESS

There was none.

4. RECEIPT OF NEW APPLICATIONS

There were none.

5. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Three appeals are pending. A status meeting will be held on January 17, 2012. Joe Budrow should communicate with the Board of Finance that this appeal will require legal fees. The Legal notice of approval was proper. Joe Budrow will check on the Steam Train this week.

6. OTHER BUSINESS

- Election of 2012 Officers

The meeting was turned over to Bill Reichenbach.

Nominations for Zoning Chair –Susan Uihlein nominated Al Wolfgram.

Seconded by Bob Connally. There were no other nominations. Jim Hill moved to close nominations and Larry Shipman seconded. The **motion was unanimously in favor.**

Nomination for Vice Chair - Al Wolfgram **nominated** Susan Uihlein for Vice Chair. Jim Hill **seconded**. There were no other nominations. **The vote was unanimously in favor.**

Nomination for Secretary - Al Wolfgram **nominated** Larry Shipman. **Seconded** by Jim Hill. There were no other nominations. **Motion carried unanimously.**

- Approval of 2012 Schedule

Motion by Larry Shipman and **seconded** by Susan Uihlein to approve the meeting schedule for 2012. **Motion carried.**

7. APPROVAL OF MINUTES

- November 21, 2011 minutes
- **Motion** Larry Shipman to approve the minutes of the November meeting. **Seconded** by Jim Hill. **Motion carried.**

8. CORRESPONDENCE AND PAYMENT OF BILLS

There were two bills. **Motion** by Susan Uihlein to approve payment pending availability of funds. **Seconded** by Larry Shipman. **Motion carried.**

9. ADJOURNMENT

Motion by Larry Shipman and **seconded** by Jim Hill to adjourn at 9:10 pm. **Motion carried.**

Respectfully submitted,

Sandra Meinsen
Recording Secretary