

# ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – JUNE 15, 2015

## PUBLIC HEARINGS

Seated: Larry Shipman, Chairman  
Alvin Wolfgram, Vice-chairman  
Bill Reichenbach, Secretary  
Alternate member Jeffrey Lovelace  
Alternate member, Adrienne Forrest

Absent: Susan Uihlein, Regular Member  
Jim Hill, Regular Member

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Also present: Joe Budrow, Zoning Enforcement Official  
Peter Sipples, Commission legal counsel

**CALL TO ORDER:** Larry Shipman, Chairman called the Public Hearings to order at 7:00 PM. Seated for the public hearings were Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Jeffery Lovelace seated for Susan Uihlein and Adrienne Forrest seated for Jim Hill.

**Application No. 14-6 – Essex Zoning Commission** A petition to amend Section 111 (Signs and Lights) of the Essex zoning regulations. (Public hearing to be held at the discretion of the Commission).

There was no discussion on this matter.

**Application No. 15-5 – Essex Glen, LLC., Bokum Road.** An application for a Special Exception for a 26 dwelling unit active adult community on Lot 1 of the Essex Glen subdivision (Public hearing to be closed by June 22nd).

Entered into the record was the following correspondence:

- Memorandum dated June 4, 2015 to commission from Keith Nolan, Essex Fire Marshall. Bill Reichenbach, Secretary read the memorandum for the record.
- Letter dated June 15<sup>th</sup> to the commission from Thomas Metcalf, Civil Engineer & Land Surveyor was entered into the record.

Discussion including talk about a meeting held after the last Zoning Commission meeting. As a result of the meeting some changes were made, including a new landscape design according to Joe Budrow, Zoning Enforcement Official. Matthew White of Angus McDonald/Gary Sharpe &

Associates was present to represent the applicant. He discussed the changes that have been made as a result of the meeting. He spoke about removing island, and height of building from grade and catch basin work, building numbers, stop sign and phasing of construction. He stated it is the hope of the applicant to get all the underground work in and completed at one time. Alvin Wolfgram, Vice-chairman had a question about limit of units to 2 bedrooms. The answer was they are all 2 bedroom units.

John Cunningham, Landscape Design of Madison was present and spoke about the lighting and signage on the property. He stated there could be a possibility of lighting from the ground under the sign at the entrance to the development. He spoke about landscape being field designed. Al Wolfram, Vice-Chairman asked about lights on main road – the answer was there are none. Adrienne Forrest, Alternate member asked further about lights and the answer was none except on units.

Attorney Terry Lomme represents the applicant and was present. He spoke about documents/issues needing to be addressed as discussed at the last Zoning Commission meeting (May 18, 2015). Which were site line easement, Number of units, the enrollment program – Attorney Lomme stated no students are expected to reside on the property, but if so they will fit into the school system nicely. The traffic study was discussed. A question was asked if the applicant had heard anything more from DEEP and the answer was no. Bond issues were discussed. Alvin Wolfgram, Vice-chairman asked if the applicant had addressed the comments made by Essex Meadows in regards to traffic and the answer by the applicant was the traffic study addressed the issue and traffic study states it is adequate. Attorney Sipples asked Attorney Lomme if he had any problems with any of the items listed in the correspondence from the Fire Marshall or the correspondence from Thomas Metcalf (previously referenced and submitted for public record) and the answer was no.

Mr. Jim Rawn of Hannah Lane talked about the traffic studies. Attorney Lomme talked about the traffic study being done for a 100 units. Mr. Rawn stated he is worried about the intersection at Bokum Road. The answer is the traffic study shows this is negligible. Dennis Robida of Cedar Grove Terrance Extension asked about lot 2 and lot 3 and the development of that and how would it be accessed? The answer by the applicant was no more than 100 units in total within 2000 feet.

**Motion** made by Alvin Wolfgram to close **Application No. 15-5 – Essex Glen, LLC., Bokum Road** Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried.**

**Application No. 15-8 – Mark Bavalack, 34 Main Street, Ivoryton.** An application for a Special Exception to allow an accessory apartment within a detached accessory building at 34 Main Street, Ivoryton. (Public hearing to be closed by August 9<sup>th</sup>, 2015).

Bill Reichenbach, Secretary read the notice of public hearing which was posted in the Hartford Courant on June 4<sup>th</sup> and June 11th. Joe Shea, contractor who works with the Bavalacks was present and spoke on their behalf. Joe Budrow, Zoning Enforcement Official entered the elevations into the record. Joe Budrow, Zoning Enforcement Official added to record the

approval letter from Lisa Fasulo, Health Director and 2 variances recently granted by ZBA for this property. 1, to allow the detached garage to be within 12 feet of the property line and 2, to allow apartment to go into a detached garage within 40 feet of the principal dwelling. Attorney Sipples asked what is the footage of attic? The answer was 768 sq. ft.- 2<sup>nd</sup> floor and 700 sq. ft. for 3<sup>rd</sup> floor. Alvin Wolfgram, Vice-chairman made a statement that it appears there is sufficient parking on site.

**Motion** made by Alvin Wolfgram, Vice-chairman to close **Application No. 15-8 – Mark Bavolack, 34 Main Street, IVTN** Bill Reichenbach, Secretary Seconded the motion, All in favor, Opposed none. **Motion carried.**

### **REGULAR MEETING**

1. **CALL TO ORDER:** Larry Shipman, Chairman called the regular meeting to order at 7:59PM. Seated for the public hearings were Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Adrienne Forrest was seated for Jim Hill and Jeff Lovelace was seated for Susan Uihlein.

2. **APPROVAL OF THE AGENDA**

The agenda was not modified.

**Motion** made by Alvin Wolfgram, Vice-chairman to approve the agenda Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried.**

3. **NEW BUSINESS**

No new business was discussed.

4. **OLD BUSINESS**

Discussion and possible vote on **Application No. 15-5 – Essex Glenn, LLC**. An application for a Special Exception for a 26 dwelling unit active adult community on Lot 1 of the Essex Glenn subdivision (Decision to be made within 65 days of closing the public hearing).

**Motion** made by Alvin Wolfgram, Vice-chairman to approve **Application No. 15-5 – Essex Glenn, LLC**. with conditions: recommendations made in paragraph 12 A-H of letter from Tom Metcalf dated June 11<sup>th</sup>, recommendations as stated in June 4<sup>th</sup> memorandum from Keith Nolan, Fire Marshall and subject to review of the bonding issues with Joe Budrow, Zoning Enforcement Official. Adrienne Forrest, Alternate member seconded, All in favor, Opposed none. **Motion carried.**

**Motion made** by Larry Shipman, Chairman to approve the age restriction waiver of **Application No. 15-5 – Essex Glenn, LLC.**, Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried.**

Discussion and possible vote on **Application No. 15-8 – Mark Bavolack, 34 Main Street, IVTN.** An application for a Special Exception to allow an accessory apartment within a detached accessory building at 34 Main Street, Ivoryton (Decision to be made within 65 days of closing the public hearing).

**Motion made** by Alvin Wolfgram, Vice-chairman to approve **Application No. 15-8 – Mark Bavolack, 34 Main Street, IVTN** Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried.**

## **5. RECEIPT OF NEW APPLICATIONS**

No new applications

## **6. VISITORS AND GUESTS**

Mr. Mark Bombaci was present and inquired about developing a 55 plus community on their property. Brief guidance was given by the commission to Mr. Bombaci.

## **7. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT**

Wording changes to 2 memoranda of decisions were discussed as follows:

1. Memorandum of decision for Bell Power - add the word “permanent”
2. Memorandum of decision for MacBeth Ventures - Add conditions, stopping site distance drawing plan and elevation view to be submitted and all conditions of B-L traffic study.

**Motion made** by Alvin Wolfgram, Vice-chairman to approve 2 memoranda of decision (15-7 Bell Power and 15-6 MacBeth Ventures) adding correction to 15-7 and conditions to 15-8 and to grant permission to Larry Shipman, Chairman to execute memoranda with corrections. Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried.**

## **8. OTHER BUSINESS**

Joe Budrow, Zoning Enforcement Official stated he would like to pass Route 9 signage to next meeting.

Discussion was that Joe Budrow, Zoning Enforcement Official will get the updated Zoning Commission Bylaws out to the commission and possible vote for next month (July 20<sup>th</sup>).

Calimari Recycling – Joe Budrow, Zoning Enforcement Official has been trying to set up a meeting with Joel Nucci and this has been proved to be difficult. There was a suggestion made by a commission member to send out a cease and desist order and perhaps he will make himself available for a meeting.

Finkeldey Property, 33 Plains Road- Site plan looks good for a district map line change. It will be on the agenda for next month.

Signage workshop – According to Joe Budrow, Zoning Enforcement Official the meeting just happened and it went well.

Alvin Wolfgram, Vice-chairman suggests to the commission to read page 12 of Gateway Commission report. He states he is not sure it is what the commission agreed to. The suggestion is for Joe Budrow, Zoning Enforcement Official to prepare a memorandum of the commission comments.

**9. APPROVAL OF MINUTES** (from May 18, 2015) - **Motion** made by Larry Shipman, Chairman to approve the minutes of the May 18, 2015 meeting with the following changes:

- On application 15-5 it should read: “published” May 7<sup>th</sup> and May 14<sup>th</sup>
- On application 15-7 it should read: “published” May 7<sup>th</sup> and May 14<sup>th</sup>
- On application 15-5 correction to statement of Matt White, flow should be corrected not 7,800 gallons a day (that number is too high)
- On application 15-5 it should read PUD not PUG
- On Application 15-5 Bokum Rad should be read Road not Rad
- On 15-5 where it reads: Joe Budrow, Zoning Enforcement Official states 4 “referrals letters” it should read 4 “referral” letters
- Application 15-5 Correct Tim Metcalf to Tom Metcalf
- Application 15-6, Pg. 4 “the flowing” should read “the following”
- Application 15-5 Page 2 - The question was raised about the road being enough for buses? This needs clarification - Attorney Lomme states because this is a public road the road will wide enough for buses to travel on.
- The questions was raised by Alvin Wolfgram, Vice-chairman about conservation easements related to density. This needs clarification. The answer by Attorney Lomme was there was no change and it is still on the plan.
- 15-5 where it reads: “he sates” it should read: “he states”
- 15-6 where it reads: Joe Budrow “questioned” 2 residents currently have easements. It should read: Joe Budrow “reported that” 2 residents currently have easements
- 15-6 in Cindy French’s comments it should read instead of this is good for business. She stated this is good for business. Also in Ms. French’s comments is should not read “they”

children but instead “the” children need to be kept safe and add from traffic especially when they are there for Thomas.

- On 15-6 motion made to close the public hearing where it says 3 in favor, 2 opposed, It should be noted who opposed – Alvin Wolfgram and Susan Uihlein
- Regarding Calimari Recycling – where it reads: set a meeting with him, it should read: set a meeting with “Mr. Nucci”
- Also Regarding Calimari Recycling - where it reads: Aerial’s show now on others property, it should read: Aerial’s show “trash” now on others property

Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried.**

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

**Motion** made by Larry Shipman, Chairman to approve payment of legal bills, Jeffery Lovelace, Alternate member seconded the motion, All in favor, Opposed none. **Motion carried.**

#### **11. ADJOURNMENT**

**Motion** made by Alvin Wolfgram, Vice-chairman to adjourn the meeting at 8:40, Jeffery Lovelace, Alternate Member seconded the motion, All in favor, Opposed none. **Motion carried.**

Respectfully submitted,

Gayle Capezzone  
Zoning Board Clerk