

# ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – February 22, 2016

## PUBLIC HEARINGS

Present: Larry Shipman, Chairman  
Alvin Wolfgram, Vice-chairman  
Bill Reichenbach, Secretary  
Jim Hill, Regular Member  
Susan Uihlein, Regular Member  
Alternate member, Adrienne Forrest, Russ Smith

Absent: Alternate member Jeffrey Lovelace  
Peter Sipples, Commission legal counsel

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Also present: Joe Budrow, Zoning Enforcement Official

**CALL TO ORDER:** Larry Shipman, Chairman called the Public Hearings to order at 7:00 PM. Seated for the public hearing were Regular members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

**MOTION** made by Alvin Wolfgram, Vice-chairman that the Public Hearing for **Application 16-2 (Cumberland Farms)** be moved ahead of **Application 15-14 (Signature Contracting Group)** on the agenda. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 15-12 – Rick and Debbie Steele, 29 Pratt Street.** – A petition to amend the Town's zoning map to extend the Village District eastward and removing three residential parcels (#25, #27 and #29 Pratt Street) from the Waterfront District.

Mr. Doug Domenie, representing Brewer Dauntless, thanked the Commission and spoke. He mentioned that he was in favor of the zone change but needed to hear from the Commission some assurance that buffering requirements would not be enforced on the boatyard if these lots were changed to residential. The Commission could not assure this but it was mentioned that the current regulations do not require buffers in this part of town.

Jacque Wolff spoke in favor of the application.

**MOTION** made by Alvin Wolfgram, Vice-chairman to close the public hearing for **Application 15-12 –Rick and Debbie Steele, 29 Pratt Street.** Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0**

**Application 16-2 – Cumberland Farms, Inc., 82 Main Street, Centerbrook.** - An application for a special exception to remove an existing convenience store and gas fueling operation and rebuild a new and larger convenience store and gas fueling operation.

Attorney Joseph Williams presented. He described the history of the store at the site. He described current conditions and described the surrounding area. He alluded to the Town's Plan of Conservation and Development, the Transportation Study and the Centerbrook Initiative. Attorney Williams then described the proposed aesthetics of the proposed new store. He mentioned the proposed development of the site and referred to a variance received earlier in 2015. He told the Commission that the proposed sign was being substituted by a shorter sign. Handouts were handed to the Commission with a new sign sketch on them.

Engineer Kevin Thatcher then spoke. He presented the site plan.

Maureen Chlebeck, associate with McMahon Associates, spoke to the commission. She mentioned the traffic conditions and formulas used to assess traffic flow. She referred to the proposed curb cut dimensions and sidewalks as being good for the town.

The commission began asking questions:

Mr. Wolfgram asked how larger building could affect traffic increase. Ms. Chlebeck mentioned probably 20% increase. Mr. Wolfgram mentioned an increase in parking may be needed. Mr. John Marth stated that the site is misleading and actually could fit 10 more parked vehicles.

Mr. Wolfgram asked if there was a plan to inhibit cut-through drivers. Mr. Kevin Thatcher mentioned that there is a less direct route to cut through. Mr. Marth said it was a tricky site.

Mr. Wolfgram mentioned that the spaces were shown as 9' x 20' and could be made 9' x 18' to increase the green space.

Mr. Hill asked for the width of the new curb cuts.

The public made comments and asked questions:

Ms. Jacquie Wolff asked about the number of handicapped spaces.

Mr. Peter Amos asked about the tree on the corner. Mr. Marth stated that Cumberland Farms will discuss the future of the tree with the town.

Mr. Joel Marzi asked if the commission thought that the canopy and third pump were expansions of a nonconformity. Mr. Marzi presented the commission with a memo from Attorney Peter Sipples, a thumb drive with ZBA recordings and other documents. Commission stated that wasn't their arena and Attorney Sipples should be consulted on the relevance of the submitted materials.

Ms. Kay Tucker spoke against the project due to on-site traffic issues.

Ms. Uihlein asked for a demonstration on where truck deliveries will take place. Mr. Marth stated that parking areas for trucks can be enforced.

Ms. Uihlein asked where the fueling trucks would go.

Mr. Norman Needleman addressed the proposed canopy and is concerned about its size. He also would like to know store hours. Attorney Williams stated that the canopy size has been reduced from original proposal. Mr. Marth stated that 5am to 11pm was an agreeable time for business hours.

ZEO Joe Budrow asked of the truck delivery space could be used for all deliveries.

Mr. Reichenbach asked what types of food will be available.

Mr. Hill asked where the dumpster will be. There was talk about the canopy and a third pump.

Mr. Marzi submitted an assessor record showing the size of the canopy in Deep River, CT saying it was 24' x 55'.

Attorney Williams ended the presentation for Cumberland Farms and hoped for an approval.

**MOTION** made by Alvin Wolfgram, Vice-chairman to extend the public hearing for **Application 16-2** to March 21, 2016. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 15-14 – Signature Contracting Group, LLC.**, 21, 27 and 29 Plains Road. An application for Site Plan Review to construct a multi-family affordable housing development consisting of 52 apartment units in three buildings.

Mr. Wolfgram stated that he has worked Attorney Rosati in the past but that he doesn't feel that there is a conflict of interest with regards to sitting in for this public hearing.

Seated for the public hearing were Regular members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Attorney Tim Hollister presented. He described the proposal and referenced State statute section 8-30g. He stated this should not be confused with Section 8 housing which receives federal funding. He referred to Attorney Sipples memo to the commission and was impressed with it.

Engineer Brandon Handfield presented the plans. He mentioned that CT DOT has approved with recently revised plans for a new encroachment off Plains Road. He referred to an early meeting with Fire Marshal. He stated that Essex fire can access the site. Says lighting will conform to Dark Skies policies. There will be three underground propane tanks. Utilities will be underground on site. Showed the commission an erosion and sediment plan.

Applicant, Kevin Daley, presented. He described the buildings and the architecture.

Don Straight presented a landscaping plan.

Attorney Robert Rosati described the easements that will be in place.

Joe Balskus described the results of the applicant's traffic study by CDM Smith. He described the area and referred to events at the Valley Railroad. He stated that the study concentrated on the intersection of the proposed driveway on Plains Road and the intersection at Saybrook Road/Plains Road and Plains Road. He said 9,000 cars a day travel Plains Road on weekdays. 5,000 on a weekend.

Attorney Hollister mentioned there would be 52 apartments with 15 being market rate. Mr. Daley's company will advertise their availability. He says rentals are in demand. He then addressed the impacts by the railroad. A newspaper search yielded no adverse incidents and said Essex Meadows has not seen any impacts.

Dave Sullivan of Milone and MacBroom presented his commission-requested peer review. He mentioned that the CDM study was reviewed as well as the Town's traffic study. He mentioned that CDM used conservative rates. He mentioned the area has some seasonal influence thus increasing traffic by 15 to 30% increase. He mentioned that the Essex transportation Study crash data was 3x higher than CT DOT data shows. He mentioned the applicant should show Autoturn analysis.

Mr. Reichenbach read a letter into the record. It was written by Joseph Shea (against the development). He also read an opinion from the Planning Commission and the Essex health department.

David Costa presented a letter to the commission and stated that living near the railroad was never a problem over the decades.

The commission began asking questions:

Mr. Wolfgram had questions, asked if commission received the most recent letter from CT DOT.

Wants a letter from Fire marshal and wants to know if town's ladder truck can access third floors of the buildings.

Wants Attorney Sipples' letter in the record.

Asked Attorney Hollister about noise and emissions from the railroad. Attorney Hollister questioned the need. He mentioned Leesburg, Florida.

Mr. Reichenbach asked who will own the properties.

Ms. Uihlein wanted a clarification of what Section 8 was. She asked if the tax rolls were affected by this type of development.

Mr. Hill asked how resident's income is monitored. Attorney Hollister stated that annual compliance reports will go to the zoning office.

ZEO, Joe Budrow asked how "principal dwelling" is defined. Attorney Hollister stated subletting is not allowed.

Mr. Smith asked how the applicant came to wanting 52 units with regard to density.

Mr. Wolfgram asked why 52 units. Mr. Density stated that it seemed to be the correct density for the area.

Mr. Shipman asked if it was thought to make Building C shorter (to 2 stories) and changing footprint. Mr. Daley said the septic design would be affected as well as parking.

Mr. Reichenbach asked if fire department can easily access buildings. There will be sprinkler systems in buildings.

Larry asked why there were no elevators. Mr. Daley stated this type of development doesn't need them.

Mr. Wolfgram asked about amenities. Mr. Daley stated there will be none.

The public made comments and asked questions:

Mr. George Wendell asked who will administrate the income documentation. Attorney Hollister such information will be submitted to zoning office.

A woman named Joy(ce) asked why so many parking spaces needed for just 52 units. Less would be better for the environment. Mr. Balskus stated that it is the zoning regulations requiring them.

Mark Uihlein asked if there will be an on-site manager of the properties. Mr. Daley stated at first, yes, when there is a model unit built out. Later, there will not be.

Ms. Uihlein asked what similar developments are nearby. Attorney Hollister mentioned Sea Spray in East Lyme. Also, 38 Oak Street in same town. And Old Saybrook Station. \

Mr. Steven Tagliatella of the Saybrook Point Inn said this application has regional importance and will affect tourism at the railroad.

Jim Clark thanked the commission and stated he was neither for nor against. He described valley railroad events. He mentioned the growth of the railroad.

**MOTION** made by Alvin Wolfgram, Vice-chairman to extend the public hearing for **Application 15-14** to March 21, 2016. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

There was break as the crowd emptied the room.

Peter Decker addressed the commission about a past Memorandum of Decision.

**MOTION** made by Alvin Wolfgram, Vice-chairman, to extend **Application 16-1** to March 21, 2016, to commence public hearing. Bill Reichenbach 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 10:30 PM. Seated for the regular meeting were Larry Shipman, Alvin Wolfgram, Bill Reichenbach Susan Uihlein and Jim Hill.
2. **APPROVAL O F THE AGENDA**

An agenda snafu was addressed. **Application No. 15-13 (Finkeldey)** will be added to New Business.

**MOTION** made by Alvin Wolfgram, Vice-chairman to amend the agenda by adding **Application 15-13 (Finkeldey)** to the discussion. Susan Uihlein seconded the motion, All in favor, **Motion Carried, 5-0**

### 3. **NEW BUSINESS**

**Application 15-12 – Rick and Debbie Steele, 29 Pratt Street.**

Discussion took place about Doug Domenie's concern. Mr. Hill verifies which lots were being addressed.

**MOTION** made by Alvin Wolfgram, Vice-chairman to approve **Application 15-12.** Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.** Effective date – March 22<sup>nd</sup>, 2016.

It was decided that **Application No. 15-13** should be withdrawn in order to allow **Application No. 16-4** to be ahead of it on a compliant timeline.

### 4. **OLD BUSINESS**

No old business. (See other business)

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

**MOTION** made by Alvin Wolfgram, Vice-chairman to receive **Application 16-4 (Essex Zoning Commission)** and to schedule a public hearing for April 18, 2016. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

A referral to the Planning Commission is needed.

**MOTION** made by Alvin Wolfgram, Vice-chairman to receive **Application 16-5 (Cappezone)** and to schedule a public hearing for March 21, 2016. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

There was a brief comment on moving smaller applications up on the next agenda. Ms. Uihlein was not in support of the idea. The commission agreed not to play with the next agenda.

### 6. **VISITORS AND GUESTS**

None

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

ZEO Joe Budrow mentioned that Gayle Cappezone resigned her position as recording clerk.

**8. OTHER BUSINESS**

A brief comment on the zoning regulation updates. Consolidation and improvements are next on the to-do list.

Mr. Wolfgram asked about State signage.

**9. APPROVAL OF MINUTES**

**MOTION** made by Susan Uihlein to approve the minutes of the January 25, 2016 meeting, Jim Hill seconded the motion, All in favor, **Motion carried, 5-0.**

**10. CORRESPONDENCE AND PAYMENT OF BILLS**

Bills were approved.

**11. ADJOURNMENT**

The next scheduled meeting is March 21, 2016

**MOTION** made by Jim Hill, Vice-chairman made a motion to adjourn the meeting at 11 PM, Alvin Wolfgram seconded the motion, All in favor, **Motion carried, 5-0.**

Joseph Budrow,  
Certified Zoning Enforcement Official