

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – May 16, 2016

PUBLIC HEARINGS

Present: Larry Shipman, Chairman
Susan Uihlein, Regular Member
Jim Hill, Regular Member
Bill Reichenbach, Secretary
Alternate members, Adrienne Forrest, Russ Smith, Jeffrey Lovelace

Absent: Alvin Wolfgram, Vice-chairman
Peter Sipples, Commission Legal Counsel

Also present: Joe Budrow, Zoning Enforcement Official

CALL TO ORDER: Larry Shipman, Chairman called the Public Hearing to order at 7:00 PM. Seated for the public hearing were Regular Members Larry Shipman, Susan Uihlein, Jim Hill and Bill Reichenbach. Alternate Member Russ Smith sat in for Alvin Wolfgram, Vice-chairman.

Application 16-4 – Essex Zoning Commission – An application to amend section 20 of the zoning regulations to change the definition of a rear lot. (Hearing to be closed by June 20th)

Seated for the public hearing were Regular Members Larry Shipman, Susan Uihlein, Jim Hill and Bill Reichenbach. Alternate Member Russ Smith sat in for Alvin Wolfgram, Vice-chairman.

The regulations were changed approximately three years ago to state that every lot must border a street. Joe Budrow would like it changed to how the regulation was previously stated, in that an interior lot can be accessed from an exterior lot and does not need to border a street.

Mr. Budrow will supply maps to the zoning board before a decision is made.

MOTION made by Susan Uihlein to extend the public hearing to June 20, 2016. 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 7:16 PM. Seated for the public hearing were Regular Members Larry Shipman, Susan Uihlein,

Jim Hill and Bill Reichenbach. Alternate Member Russ Smith sat in for Alvin Wolfgram, Vice-chairman.

For the record:

Peter Sipples- Memo from February

Items that came to Mr. Budrow during April meetings:

Letter from Attorney Tim Hollister, Shipman & Goodwin

Final approval from Lisa Fasulo, Health Director for Town of Essex

Letter from Rob Galiette, Essex Resident

Letter from Attorney John Bennett for Valley Railroad

Letter from Rob Galiette for Valley Railroad

2. APPROVAL OF AGENDA

Agenda was approved with no changes or modifications.

3. NEW BUSINESS

Application 16-4 – **Essex Zoning Commission** – An application to amend section 20 of the zoning regulations to change the definition of a rear lot. Hearing to be continued until next meeting on June 20th.

Application 15-14 – **Signature Contracting Group, LLC, 21, 27 and 29 Plains Road, Essex** – An application for site plan review to construct a multi-family affordable housing development consisting of 52 apartment units in three buildings. (Hearing to be closed by June 29th)

Larry Shipman, Chairman reviewed the tapes from the April 25th meeting, therefore making him eligible to sit for this meeting. He does not feel a final decision should be made on this matter until Mr. Wolfgram and Mr. Sipples can be present.

Mr. Shipman stated that he feels this is a good parcel of land for this project. He would like to increase the height of the fence that borders the property to be 6 feet and also increase the length. Plants should be mature. He does not think there is a significant issue of health and safety in regards to the railroad being located next door.

Ms. Uihlein is very concerned about the safety of residents living next to the train station.

First Selectmen Norman Needleman joined the conversation as an ex officio, reiterating to the Zoning Commission that the town is bound by a legal statute for Affordable Housing.

Ms. Forrest also has concerns about safety and asked if the town had any other properties available for a project such as this.

Mr. Lovelace expressed his concerns with the railroad and safety.

Mr. Hill mentioned the three separate lots being used and questioned why the land is being divided that way.

Mr. Reichenbach is concerned with the proximity of the buildings to the railroad and the opposition of others. On the other hand, he is not as worried about traffic and safety, being that the trains hardly run during the week. He suggested creating a buffer area over by the train station.

Mr. Shipman is wondering what the cost of the septic would be if the developer was to build on one lot instead of three.

Mr. Budrow will talk to Bob Doane, Town Engineer, regarding what the cost would be of having one septic system for all three buildings instead of three separate septic systems.

Ms. Uihlein read the letter that Mr. Wolfgram submitted. Mr. Budrow mentioned during the letter that Mr. Wolfgram had submitted an inter board Memorandum at the Special Meeting on April 25th. Mr. Wolfgram is concerned with the health and safety of residents in the apartment complex and the presentation from the developers, being that they never discussed the railroad being located next door.

MOTION made by Susan Uihlein to extend the Regular Meeting to June 20th. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-6 – ECC Realty, LLC, 30 Main Street, Centerbrook – An application for a special exception to allow a new restaurant on the first floor of an existing building.

Mr. Budrow stated that almost all required documents are submitted. Site plan may need to be fixed and resubmitted with regards to parking spaces (may need to add a handicap space). Amount of seating is in alignment with amount of parking spaces available.

Applicant Colt Taylor spoke on behalf of the project and described what their plans are. Architect John Schroeder accompanied him to the meeting.

MOTION made by Susan Uihlein to approve **Application 16-6.** Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

4. OLD BUSINESS

None

5. RECEIPT OF NEW APPLICATIONS

None

6. VISITORS AND GUESTS

Connecticut River Gateway Commission – Nancy Fischbach, Gerry McMillan and Torrance Downes attended. Ms. Fischbach presented to the board.

Gateway revised their standards in 2014 and Essex has not yet adopted these standards. Gateway has been trying to work with Essex to develop standards that they are comfortable with and that can work for all eight towns in the Gateway zone.

Ms. Fischbach reviewed the letter that was submitted by Mr. Downes, which gives responses to questions and concerns that were raised by the Zoning Commission in October 2015.

Mr. Budrow thinks that this needs to be an ongoing topic at each monthly meeting until all is resolved. Ms. Fischbach agreed and mentioned that either she or Mr. Downes would be willing to attend the monthly meeting going forward, in case they are needed to answer any questions, etc.

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

None

8. OTHER BUSINESS

Calamari Recycling – An extensive site walk was done with Mr. Budrow, Essex Fire Marshall Keith Nolan, Health Director Lisa Fasulo, Town Engineer Bob Doane, Calamari's Environmental Planner and another representative of Calamari Recycling. A write-up is to be done with the issues that were found. There are areas that Calamari's has encroached on that contain wetlands, and therefore will need to be resolved. Mr. Budrow and Mr. Doane will meet again soon to discuss.

Mr. Budrow is hoping for special exceptions for an increased storage area of wood in the front and remediation.

The Planning Commission would like to talk to the Zoning Commission soon. Mr. Budrow will see if they can come to our scheduled July meeting.

9. APPROVAL OF MINUTES

MOTION made by Bill Reichenbach to approve the minutes of the April 18, 2016 meeting. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Approval of the minutes from the April 25th Special Meeting is to be extended to the June 20th meeting after further review.

10. CORRESPONDENCE AND PAYMENT OF BILLS

A bill was presented from Attorney Sipples in the amount of \$5,574.40. **MOTION** made by Jeffrey Lovelace to approve, Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Russ Smith to approve the Memorandum of Decision for **Application 16-2, Cumberland Farms, Inc.**, and to be signed by Mr. Shipman, Chairman after Mr. Budrow has a meeting with Cumberland Farms to discuss the pump angle. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

11. ADJOURNMENT

The next scheduled meeting is June 20, 2016.

MOTION made by Jim Hill to adjourn the meeting at 9:23 PM. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk