

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – September 19, 2016

## PUBLIC HEARINGS

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

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Also present: Peter Sipples, Commission Legal Counsel  
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, Alvin Wolfgram, Bill Reichenbach, Jim Hill and Susan Uihlein.

**Application 16-8 – Planning Commission.** An application for a text amendment to Section 45 (ACCESSORY APARTMENTS). Replacing existing section with new section.

Application has been withdrawn.

**MOTION** made by Alvin Wolfgram, Vice-chairman to amend the agenda, therefore moving **Application 16-10** up to item two, and **Application 16-9** down to item three. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 16-10 – Signature Contracting Group, LLC – 21, 27 and 29 Plains Road.**  
A resubmission of Application No. 15-14 to discuss certain conditions approved by the Zoning Commission.

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

Attorney Tim Hollister from Shipman and Goodwin opened, giving a general overview of the project and where it stands today with the Zoning Commission. He mentioned the ten conditions that the Zoning Commission placed on June 20, 2016. Signature Contracting Group was hoping to compromise on three of them.

Brandon Handfield from Yantic River Consultants presented a revised fence plan. They would like to build a six foot high fence except by where there is road frontage.

Mr. Budrow provided a letter to the Commission from Attorney John Bennet who represents Northbound Nine. As a direct abutter to the project site, they have had some continuous health and safety concerns.

The Commission discussed lowering the roof line from 46 to 42 feet, therefore still allowing it to be pitched. (30 feet is the standard height restriction, but this height would cause the roof line of each building to be flat).

Signature Contracting Group is still waiting for the Department of Transportation's approval for a walk and bike lane on Plains Road.

Mr. Wolfgram, Vice-chairman asked questions and raised concerns about the building height.

Mr. Reichenbach asked questions about the Department of Transportation and bike lane.

Joe Shea, building contractor and town resident raised some questions and concerns regarding the septic systems, lack of elevators and roof design.

Ms. Uihlein had concerns about not having elevators in an emergency situation.

Harvey Hoberman, town resident and attorney, spoke to the commission. He stated that the Commission does not have much say in the matter if what the applicant is proposing does not raise a health or safety issue, being that this type of project is bound by a legal statute.

**MOTION** made by Alvin Wolfgram, Vice-chairman to close this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 16-9** – **Mark Bombaci, Bokum Road (Cobblestone Court)** – An application for a special exception to locate 4 duplexes as an Active Adult Community development on a lot known as Assessor's Map 77, Lot 2.

Seated for the public hearing were Regular Members Larry Shipman, Alvin Wolfgram, Bill Reichenbach and Jim Hill. Alternate member Jeffrey Lovelace sat in for Susan Uihlein.

Engineer Seamus Moran from Indigo Land Design opened. Mr. Moran gave an overview of the latest developments with the project. Minor changes have been made since the August meeting. They made some small grade changes for drainage, added evergreens along the western side of the property, and have plans to install a guard rail or stone wall to prevent cars from driving into the basin. Their building height is in compliance with the zoning regulations.

Mr. Budrow entered two items into the record:

A letter from Lisa Fasulo, Health Director, stating that Cobblestone Court's records are still being reviewed and a letter of support cannot be provided by the Health Department until the plan review is complete.

A letter from Attorney Campbell Hudson, representative for the applicant, regarding required lot areas. (Mr. Moran addressed Attorney Hudson's concerns to the Commission).

Mark Bombaci, applicant, asked questions and made comments to the Commission about the lot requirement. Attorney Sipples confirmed that an applicant needs to have at least ten acres of land for this type of project, and he has agreed to talk to Attorney Hudson further on this issue.

Mr. Moran requested a Special Meeting to be called to order, which the Commission discussed and agreed to.

**MOTION** made by Alvin Wolfgram, Vice-chairman to extend the Public Hearing to a Special Meeting on October 3<sup>rd</sup>, 2016. Jeffrey Lovelace 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 8:05 PM. Seated for the public hearing were Regular Members Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Jim Hill and Susan Uihlein.

2. **APPROVAL OF AGENDA**

The agenda is to be amended with the following corrections:

Application 6-11 – Jonathan and Margaret Morris

If hearing is closed, decision to be made by October 19, 2016. Not November 23, 2016 as stated.

There will be no swimming pool (as stated) as part of this application.

**Motion** made by Alvin Wolfgram, Vice-chairman to approve the September agenda as amended. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

3. **NEW BUSINESS**

Application 16-8 – **Planning Commission** - Application has been withdrawn.

Application 16-10 – **Signature Contracting Group, LLC** – A resubmission of Application No. 15-14 to discuss certain conditions approved by the Zoning Commission.

When deliberating, Mr. Shipman, Chairman, gave his reasons of why he thought the application should be approved by the Zoning Commission.

Mr. Wolfgram would like a letter written to DOT to encourage safety with a walk and bike lane. He still had concerns regarding the building height, but would compromise on a forty foot building height with fencing all around the property.

Ms. Uihlein still had concerns with the fence height, lack of elevators and building height.

Mr. Lovelace had the same concerns as Ms. Uihlein. Mr. Hill and Mr. Smith were opposed to a 42 foot building height.

Mr. Reichenbach does not think that a 42 foot building height is a big concern, and would rather the building look good aesthetically by having a pitched roof as opposed to a flat roof.

Being that there is no requirement by law to have an elevator in a three story building; Mr. Reichenbach does not feel that this issue can be fought.

**MOTION** made by Alvin Wolfgram, Vice-chairman to amend the previous approval of this application and submit revised conditions. Larry Shipman, Chairman seconded the motion. 4 out of 5 in favor (Susan Uihlein was opposed), **Motion carried, 4-1.**

**Application 16-11 – Jonathan and Margaret Morris** - An application for a Coastal area Management Site Plan Review for a new single family home with patio.

Mr. Budrow read the following into the record:

Letter from OLISP with concerns and comments.

Letter from Lisa Fasulo, Director of Health with a denial.

**MOTION** made by Alvin Wolfgram, Vice-chairman to extend this application until the October 17<sup>th</sup> meeting. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

#### **4. OLD BUSINESS**

Mr. Budrow is in discussions with the state regarding Cumberland Farms.

Mr. Budrow mentioned that the Essex Glen project is moving along well.

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

None

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

Mr. Budrow invited Michael Belanger, Essex resident to come speak to the Commission. He owns two back lots on Plains Road (each lot being located in a different zone). He wants to add marine storage. One lot is located in a business district and the other lot is located in a light industrial district. The board suggested that he amend the piece of his property that's in a business district and change it to a light industrial district.

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

Mr. Budrow mentioned a discussion he had with Mr. Finkeldey, town resident, about the current regulations regarding the definition of a rear lot.

Mr. Budrow has sent letters and made phone calls to a local antique store who is not abiding by the agreed upon operating hours. He has warned of giving them a Cease and Desist if they do not comply. He will now demand that a meeting be held within two weeks between the landlord, the owner and himself, or the Cease and Desist order will be issued.

The Gateway Commission will be put on the schedule for the October 17<sup>th</sup> meeting.

Mr. Sipples presented a Memorandum of Decision for Michael and Angela Halperin, which was reviewed by Mr. Budrow. **MOTION** made by Alvin Wolfgram, Vice-chairman to approve the Memorandum of Decision. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

## **8. OTHER BUSINESS**

**MOTION** made by Alvin Wolfgram, Vice-chairman to have a board member from the Economic Development Commission and Planning Commission act as a liaison for the Zoning Commission Subcommittee. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

## **9. APPROVAL OF MINUTES**

Page 6 - Delete "except for Mr. Reichenbach" from a sentence.

Page 7 – List Susan Uihlein as being called to order for the Regular Meeting. (Jeffrey Lovelace only sat in for one application).

**MOTION** made by Alvin Wolfgram, Vice-chairman to approve the minutes of the August 15, 2016 meeting, subject to revisions. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

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

A bill was presented from Attorney Sipples. **MOTION** made by Susan Uihlein to approve based on availability of funds. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

First Selectman Norman Needleman stopped in briefly to speak about the Economic Development and Planning Commissions and how open communication between them and the Zoning Commission is essential.

## **11. ADJOURNMENT**

The next scheduled meeting is October 17, 2016.

**MOTION** made by Alvin Wolfgram, Vice-chairman to adjourn the meeting at 9:55 PM. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,  
Zoning Board Clerk