

TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**  
*Doug Demarest, Vice Chairman*

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**Regular Members**

*Al Daddona  
Michael Noto  
Paul Greenberg  
W. T. Fergusson*

**Alternate Members**

*William Veillette*

**MINUTES**  
**October 15, 2013 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, October 15, 2013 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Doug Demarest, Vice Chair  
Al Daddona, Regular Member  
Paul Greenberg, Regular Member  
W.T. Fergusson, Regular Member  
William Veillette, Alternate, seated for this meeting

Absent Members:

Staff:

Michael Wells, Legal Counsel to the Board  
Stella Beaudoin, Recording Secretary

Mr. Demarest called the meeting to order at 7:30 p.m.

**1. Public Hearings**

- **Application No. 13 - 21** on behalf of Robert Osborn at 31 Book Hill Woods Road, Essex, CT, Assessor's Map 7, Lot 1-9, RRR District, requesting variances to sections 40C, 40D, 40I.1, and 64B of the Essex zoning regulations to locate a 10' x 16' garden shed to a point 24 feet from a side property line where 30 feet is required. This application is continued from the September 17, 2013 ZBA meeting.

Mr. Osborn is seeking a variance to install a 10' x 16' shed/garage on his property in which he will store his classic MG automobile. There is an existing shed on the property which houses a lawn mower and other power tools. At the September 17, 2013 meeting Commissioners suggested that Mr. Osborn consider relocating the structure six feet further into the property to avoid violation of the setback.

Mr. Osborne submitted a letter dated September 26, 2013 in which he states that the relocation of the shed is not an option as the bulk of his property is quite steep which limits the number

of practical locations for the structure. Mr. Osborne further requested a continuance to the November 2013 Public Hearing as he currently traveling. TABLED

**Application No. 13 - 21** on behalf of Lindsay Merola for Matthew J. Lefevre, Esq., et al, Trustees at 46 Sunset Terrace, Essex, CT Assessor's Map 27 Lot 123, VR District, requesting a variance to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow two minor additions and a 10' x 12' shed to expand the existing building coverage from 9.3% to 10.1% where 7.5% is the maximum coverage allowed. Also, to allow the location of a roof overhang to a point 26.5 feet from the rear property line where 30 feet is required.

Denise Von Dassel presented on behalf of this application. Ms. Von Dassel stated that the applicant is looking to install a small 5 x 7' porch and entry foyer with an enclosed portion at the front entry, and to construct a 4' x 8' roof covering over the back door. The building coverage will be increased by .8%. The back roof overhang encroaches slightly into the back setback. There is a good deal of ledge and outcroppings on the property which is why the house was constructed at the back property line. The house was constructed in 1979 which was prior to the allowable coverage. There is a disabled person living in the house and the applicant would like to create a shallow walkway in both the front and the back of the property for access.

Mr. Demarest asked if anyone wished to speak in favor or in opposition of this application.

Margot Valentine, a neighbor who resides on Grandview Terrace presented in favor of this proposal.

There was one letter from the Gateway Commission stating no objection to this proposal.

Mr. Demarest closed the public portion of this application at 7:45 p.m.

**Application #13-26** on behalf of the Essex Elderly and Affordable Housing, Inc., property located at 26 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 17-1, C District, requesting variances to sections 40C, 40D, 40N, 40R, 80C, 131A.1.A, 131A.1.B, 131A.1.D, 131A.1.E, 131A.1.G, 131A.4.A, 131D of the Essex zoning regulations to allow a multiple dwelling project for elderly affordable housing.

Janice Atkeson presented on behalf of the Essex Elderly and Affordable Housing. Ms. Atkeson stated that this development is needed for the consistent demand for affordable housing. There are 36 existing units in Centerbrook and this proposal is contiguous with the existing housing. Ms. Atkeson stated that the State of CT is providing low cost funding for the affordable housing. Ms. Atkeson stated that the property was legally conveyed by the Essex Housing Authority to the Essex Affordable Housing.

Tom Arcari, AIA of Quisenberry Acari Architects LLC, 318 Main Street, Farmington, CT presented on behalf of this application. Mr. Arcari stated that he had a meeting with the Essex Health Department, the zoning enforcement officer and the planning director to discuss the approach for this process. The applicant was advised to begin the process with the Zoning Board of Appeals to seek relief of the zoning regulations.

The proposed development is a single, 22 unit, elderly affordable housing facility. The building will have 18, one-bedroom units and 4, two-bedroom units. The two-bedroom units will be made available for patrons that are physically challenged or need a live-in assistant.

The development is configured to face the parking circle with a formal drop-off for the existing facility and there will be access around the rear of the facility with protected parking at the end of the structure at the lowest level. There will be access from the front and the rear of the building. The landscaping improvements include a garden at the back of the site and a terrace at the southeast corner of the facility, adjacent to the community room.

The first floor will have 3, one-bedroom units which will facilitate handicap accessibility. The remainder of the units will be 100% adaptable to fully support patrons with physical and visual disabilities and challenges. The first floor will be comprised of living unit, laundry facility and elevator and central lobby. The community space will have offices and community room, bathroom, kitchen and wash areas and that portion of building will be supported fully on a generator to provide a place of refuge in an emergency.

The second floor plan is comprised of 10, one-bedroom apartments with the same amenities with open space living of the kitchen and living room.

The attic level will feature the remaining one-bedroom and the 4, two-bedroom units. The proposed building is a residential scale building. It is 2 full stories with residential units under the roof of the facility. The design includes wood trim and access brick at the entrance of the facility.

Mr. Arcari stated that the hardship is that the building on this lot affords the housing authority to keep entire campus contiguous to Essex court development. The funding requirements dictate the size of the proposed building, so the physical constraints make it a challenge to work on. Mr. Arcari stated that the applicant considered joining the two lots, but the funding sources by the State of CT does not allow for the co-joiner of the two parcels, they must remain independent. Thus the need for many of the necessary variances.

Attorney Wells commented on Section 80A of the zoning regulations which speaks to the commercial district which does not permit the use of a multifamily dwelling. Mr. Wells stated that the applicant has not asked to vary that regulation.

Mr. Arkay stated that Joe Budrow advised that a variance was not required for use. Attorney Wells suggested that Mr. Arcari speak with the zoning enforcement officer to be sure that the applicant has applied for all of the necessary variances.

Ms. Atkeson stated that they have looked elsewhere within the Town for available property and she has met with the planning director, the zoning enforcement officer and the first selectman seeking assistance in locating other parcels that are suitable for this project, and there were none. Ms. Atkeson stated that attempts to purchase two other parcels fell through. There is no other land available but the funding to move forward with this project is available now.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application.

Jane Cyrus, Architect spoke in favor of this application. Ms. Cyrus stated that the siding of the building is complimentary to the surrounding units. The parking circle is a nice feature and the

parking around the back is well done. The scale of the building has been done in a way that has minimized the bulk. Ms. Cyrus stated that Essex Zoning never envisioned this type of a structure in our community and suggested that Board use creative thinking to make it happen.

Mr. Arcari stated that the only public access for this property other than the front entrance is a right-of-way through the adjacent parcel for direct access. A part of the hardship is that if the property is to be developed the only access would be through the elderly housing as opposed to a right-of-way, which is limited in scope and accessibility.

There was one letter in opposition from Avery and Anna Morgan.

Mr. Demarest closed the public hearing at 8:20p.m.

**Application #13-27** on behalf of Kevin Doyon at 7 Windsor Lane, Centerbrook, CT Assessor's Map 55 Lot 1-2, RU District requesting variances to sections 40C, 40D, 40I.1 and 61B of the Essex zoning regulations to locate a 12' x 16' shed to a point 18 feet from the front property where 40 feet is required.

Kevin Doyen presented on behalf of this application. Mr. Doyen wishes to construct a storage shed on his property which will be placed on a 3-6" bed of crushed stone. Mr. Doyen stated that the site he has selected for the shed which on the southeast side of the house is the most level piece on the property. The only other possible level location for the shed is within a waterway. Mr. Doyen stated that there is a deep slope on the northeast side of the house. Mr. Doyen stated that he will not clear any woods and he will minimally grade the area on which the proposed shed will be situated. Mr. Doyen distributed a spec sheet of the shed. The company, "The Barn Yard Great Company Garages", produces the shed. The hardship is the wetlands on the property.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. There were no public comments.

Mr. Demarest closed the public hearing at 8:25p.m.

### **Regular Meeting/Deliberation**

The same members as were seated for the public hearing were seated for the regular meeting.

- **Application No. 13 - 25** on behalf of Lindsay Merola for Matthew J. Lefevre, Esq., et al, Trustees at 46 Sunset Terrace, Essex, CT Assessor's Map 27 Lot 123, VR District, requesting a variance to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow two minor additions and a 10' x 12' shed to expand the existing building coverage from 9.3% to 10.1% where 7.5% is the maximum coverage allowed. Also, to allow the location of a roof overhang to a point 26.5 feet from the rear property line where 30 feet is required.

Mr. Daddona stated that the increase in coverage is very minor and there is minimal intrusion on setbacks and coverage. The variances which are requested for the covered entries are for ADA purposes and this is a preexisting, nonconforming lot creating the area issue.

**MOTION** to grant a variance **Application No. 13 - 25** on behalf of Lindsay Merola for Matthew J. Lefevre, Esq., et al, Trustees at 46 Sunset Terrace, Essex, CT Assessor's Map 27 Lot 123, VR District, requesting a variance to sections 40D, 40E, 40I.1, 50D and 60B of the

Essex zoning regulations to allow two minor additions and a 10' x 12' shed to expand the existing building coverage from 9.3% to 10.1% where 7.5% is the maximum coverage allowed. Also, to allow the location of a roof overhang to a point 26.5 feet from the rear property line where 30 feet is required. The hardship associated with this proposal is that the increase in coverage is very minor and there is minimal intrusion on setbacks and coverage. The variances requested are for the covered entries, for ADA purposes and this is a preexisting, nonconforming lot creating the area issue. This application is approved in accordance with the plans dated July 17, 2013 and received by the Essex Land Use office on September 13, 2013; **MADE** by A. Daddona; **SECONDED** by W.T. Furgueson; **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, W.T. Furgueson, W. Veillette; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

- **Application #13-26** on behalf of the Essex Elderly and Affordable Housing, Inc., property located at 26 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 17-1, C District, requesting variances to sections 40C, 40D, 40N, 40R, 80C, 131A.1.A, 131A.1.B, 131A.1.D, 131A.1.E, 131A.1.G, 131A.4.A, 131D of the Essex zoning regulations to allow a multiple dwelling project for elderly affordable housing.

Discussion:

Mr. Greenberg expressed his approval of this proposal noting that the proposed location is adjacent to other affordable housing. Mr. Greenberg stated that there are no regulations in place to address this type of housing which necessitates the long list of those zoning regulations which need to be varied in conjunction with this application. Mr. Greenberg stated that the need for affordable housing is obvious.

Mr. Demarest stated that the applicant is seeking variances on a good number of the zoning regulations. Mr. Demarest stated that the standard ZBA application form states that the hardship must be based on physical constraints of the land only.

Attorney Wells advised that the number of variances applied for is not the issue. It is the hardship put forward by the applicant on which the Board should focus.

Mr. Greenberg stated that the hardship is the land that is available as it is contiguous to the rest of the housing development.

**MOTION** to deny a variance based on lack of hardship to **Application #13-26** on behalf of the Essex Elderly and Affordable Housing, Inc., property located at 26 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 17-1, C District, requesting variances to sections 40C, 40D, 40N, 40R, 80C, 131A.1.A, 131A.1.B, 131A.1.D, 131A.1.E, 131A.1.G, 131A.4.A, 131D of the Essex zoning regulations to allow a multiple dwelling project for elderly affordable housing; **MADE** by W.T. Furgueson; **SECONDED** by A. Daddona; **IN FAVOR:** A. Daddona, D. Demarest, W.T. Furgueson, W. Veillette; **OPPOSED:** P. Greenberg; **ABSTAINING:** None; **APPROVED:** 4-1-0.

- **Application #13-27** on behalf of Kevin Doyon at 7 Windsor Lane, Centerbrook, CT Assessor's Map 55 Lot 1-2, RU District requesting variances to sections 40C, 40D, 40I.1 and 61B of the Essex zoning regulations to locate a 12' x 16' shed to a point 18 feet from the front property where 40 feet is required.

Discussion:

Commissioners agreed that the applicant should speak with the Essex Wetlands Enforcement Officer to discuss this plan and come back to ZBA next month and advise how he plans to move forward.

- **MOTION** to continue a variance to **Application #13-27** on behalf of Kevin Doyon at 7 Windsor Lane, Centerbrook, CT Assessor's Map 55 Lot 1-2, RU District requesting variances to sections 40C, 40D, 40I.1 and 61B of the Essex zoning regulations to locate a 12' x 16' shed to a point 18 feet from the front property where 40 feet is required; **MADE** by P. Greenberg; **SECONDED** by A. Daddona; **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, W. Veillette, W.T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

### 3. Old Business

- Approval of Minutes – Public hearings and regular meeting September 17, 2013

**MOTION** to approve the September 17, 2013 meeting Minutes as presented; **MADE** by A. Daddona; **SECONDED** by P. Greenberg; **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, W. Veillette, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

### 4. New Business – There was no new business.

### 5. Discussion on new Board Chairman.

Stu Ingersoll has submitted his resignation as the Chairman of the Zoning Board of Appeals. Doug Demarest is the Acting Chair and members agreed to discuss the appointment of a chair in January 2014.

### 6. Correspondence and Invoices -

There was no correspondence.

### 7. Adjournment

**MOTION** made to adjourn the meeting at 8:50 p.m. to the next regularly scheduled meeting to be held on Tuesday, November 19, 2013 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by D. Demarest; **SECONDED** by A. Daddona; **VOTING IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, W. Veillette, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary