



TOWN OF ESSEX
Zoning Board of Appeals

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Executive Board

Paul Greenberg, Chair
W. T. Furgueson, Vice Chair
W. Feirer, Secretary

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Barbara Sarrantonio
William Veillette

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

MINUTES

March 20, 2018 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, March 20, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Seated for this evening's meeting were P Greenberg, W. T. Furgueson, W. Feirer, B Sarrantonio and P Beckman, seated for W Veillette.

Staff:

Stella C. Beaudoin, Recording Clerk
Suzanna McCauley, Esq., Legal Counsel

Audience members: There were 4 audience members

Paul Greenberg opened the meeting at 7:03 p.m.

PUBLIC HEARINGS

This evening's quorum was comprised of 4 regular members and one seated alternate.

- **Application 18-3** on behalf of Michael Picard, 175 Saybrook Road, Assessor's Map 74, Lot 11, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C.2, 61B and 101D of the zoning regulations to allow the replacement of a nonconforming house with a new single family dwelling that will not be within setback areas but to be 32.2 feet in height where 30 feet is the maximum height allowed. Also, to allow a pool house to a point 16 feet from a side property line where 30 feet is required, and a pergola to a point 16.5' from a side property line where 30 feet is required. Also, to allow construction within the Gateway Buffer Area.

P Greenberg opened the Public Hearing. The applicant requested a continuance to the April 17, 2018 regularly scheduled ZBA meeting.

MOTION made by W Feirer to open the Public Hearing for **Application 18-3** on behalf of Michael Picard, 175 Saybrook Road, Assessor's Map 74, Lot 11, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C.2, 61B and 101D of the zoning regulations to allow the replacement of a nonconforming house with a new single family dwelling that will not be within setback areas but to be 32.2 feet in height where 30 feet is the maximum height allowed. Also, to allow a pool house to a point 16 feet from a side property line where 30 feet is required, and a pergola to a point 16.5' from a side property line where 30 feet is required. Also, to allow construction within the Gateway Buffer Area. This proposal is continued to the April 17, 2018 regularly scheduled ZBA meeting; **SECONDED** by P Beckman; **VOTING IN FAVOR** P Greenberg, B Sarrantonio, W. T Furgueson, W Feirer, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

- **Application 18-5** on behalf of Ken Thomsen, 7 King's Lane, Essex, CT, Assessor's Map 28, Lot 33, requesting variances to sections 40D, 40E, 40I.1, 50D, and 60B of the zoning regulations to allow a new dormer on the front of a house that is within the front setback, and to allow the expansion of a rear dormer where the house is within each side setback.

The subject property is a flat, rectangular parcel with a single family dwelling and a detached garage. The house is located to the front of the lot, well within the front setback area and within each side setback area. The applicant proposes to add two dormers to the roof without adding to the existing height of the building or expanding the footprint. The front dormer is an expansion of a nonconforming part of the house and to a point 18 feet from the front property line where 30 feet is required. The rear dormer is an expansion of a nonconforming portion of the house and to a point 16 feet from the north side property line and 22 feet from the south side property line, each where the side setback is 25 feet.

W Feirer stated that he is acquainted with the applicant however this association will not alter or impede a decision related to the subject proposal.

Ken Thomsen who presented on behalf of this proposal stated that based on the size of the lot it is impossible to do anything on the property without running into the setbacks. The property owner is looking to add a dormer and K Thomsen noted that at the present time, as you enter the front door to the house, and make an immediate left to go up the stairs, because of the angle of the roof there is a low overhang that hits at the point where the second stair from the top is situated and one must stoop in order to proceed to the landing. The same pitch of the roof is located on the rear of the house, however the closets in each corner consume an enormous amount of room in the existing two small bedrooms due to the angle of the roof. K Thomsen stated that the goal is to place a small elevation dormer on the front and to extend the dormer on the back, just to the sides, not to the rear, which will make the rooms appear larger. There is no proposed increase in floor space and no extension to the building. This proposal adds only to the height. K Thomsen noted that there is a small, 7.5 x 15 study situated on the first floor and the property owner is considering the installation of a half bath with a small shower. The upper bedroom is configured with a tub only. The property owner is applying for a variance to go up and increase the bulk within the setback and the hardship associated with this proposal is due to the preexisting nonconforming building.

There were no further comments from the Board.

P Greenberg asked if anyone wished to speak in favor or in opposition to this application.

There was no public comment.

P Greenberg closed the Public Hearing at 7:11pm.

- **Application 18-7** on behalf of Underwater Construction, 110 Plains Road, Essex, CT, Assessor's Map 53, Lot 19-1, requesting variances to sections 40D, 40E, 40I.1, 40R, 90E and 110B the zoning regulations to build an addition to a point 18 feet 3 inches from a side property line where 25 feet is required. Also to allow a proposed driveway to be within 5 feet of a property line.

The subject property is a flat, rectangular parcel with a commercial building where the offices for Underwater Construction are located. The parcel is a corner lot with two, 75-foot front setbacks and two, 25-foot side setbacks. The applicant proposes to construct a new, 60' x 60' addition that will connect to the main building. The addition would come to a point 18'3" from the south side property line where 25' is required. The proposed driveway is within 5' of the same property line.

Robert Doane, P.E. L.S. who presented on behalf of this proposal stated that he is seeking a variance for the proposed 6,000 s.f. addition which is connected to the existing building location and is 18.3 feet from the property line. The applicant proposes to place the proposed building within the industrial zone and is seeking for relief from the regulations for the driveway to be placed 2.5 feet from the property line. The parking lot is five feet from the line.

R Doane stated that the hardship associated with this proposal is that this is a corner lot, there are two, 75-foot front yard setbacks, on the east side of the property is a wetlands with a 100-foot review area, the property abuts the Mud River watershed and there is a flood plain that affects the positioning of the buildings. There is also a well in the front of the property that affects the sanitary waste system location. The physical characteristics of the property and the ability to expand and the shape of the property present a further hardship. R Doane noted that no variances are needed for coverage or size of the lot.

Michael Pellini, co-owner of the Underwater Construction who presented stated that a wet pot, open top tank which is 14 feet in height, 14 feet in diameter and will house 8 feet of water will be placed in this structure for the purpose of simulation in the training of underwater divers and also used for general storage of equipment. There are no proposed improvements on the building other than lighting, heating and running water.

R Doane stated that a 7-foot high stockade fence will be installed one-foot into the property. R Doane stated that he spoke with adjoining property owners who have reviewed the plan and stated no objection to this proposal.

There were no further comments from the Board.

P Greenberg asked if anyone wished to speak in favor or in opposition to this application.

There was no further public comment.

R Doane provided a letter of authorization related to this application.

P Greenberg closed the Public Hearing at 7:30 pm.

REGULAR MEETING

Discussion and possible decision on the application:

- **Application 18-5** on behalf of Ken Thomsen, 7 King's Lane, Essex, CT, Assessor's Map 28, Lot 33.

MOTION made by W. T Furgueson to approve a variance for **Application 18-5** on behalf of Ken Thomsen, 7 King's Lane, Essex, CT, Assessor's Map 28, Lot 33, requesting variances to sections 40D, 40E, 40I.1, 50D, and 60B of the zoning regulations to allow a new dormer on the front of a house that is within the front setback, and to allow the expansion of a rear dormer where the house is within each side setback. The hardship associated with this proposal is related to the nonconformities of the house and the property which creates a safety issue. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **VOTING IN FAVOR** P Greenberg, B Sarrantonio, W. T Furgueson, W Feirer, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

- **Application 18-7** on behalf of Underwater Construction, 110 Plains Road, Essex, CT, Assessor's Map 53, Lot 19-1

MOTION made by W Feirer to approve a variance for **Application 18-7** on behalf of Underwater Construction, 110 Plains Road, Essex, CT, Assessor's Map 53, Lot 19-1, requesting variances to sections 40D, 40E, 40I.1, 40R, 90E and 110B the zoning regulations to build an addition to a point 18 feet 3 inches from a side property line where 25 feet is required. Also to allow a proposed driveway to be within 5 feet of a property line. The hardship associated with this proposal is the location of the flood plain, the wetlands and the existing storm sewer which restricts the placement of the structure. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W. T. Furgueson; **VOTING IN FAVOR** P Greenberg, B Sarrantonio, W. T Furgueson, W Feirer, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

NEW BUSINESS

The Essex Zoning Commission has received a newly formatted set of zoning regulations to review which was received as a regulation text amendment petition at the March 19, 2018 Zoning Commission meeting.

OLD BUSINESS

- **Approval of Meeting Minutes, February 20, 2018**

MOTION made by W Feirer to approve the February 20, 2018 Regular Meeting Minutes as presented; **SECONDED** W. T. Furgueson; **VOTING IN FAVOR** P Greenberg, B Sarrantonio, W. T Furgueson, W Feirer, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

CORRESPONDENCE AND INVOICES

There were no invoices and no correspondence.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

MOTION made by W. T. Furgueson to adjourn the meeting at 7:34 p.m. to the next regularly scheduled meeting which will be held on Tuesday, April 17, 2018 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Feirer; **VOTING IN FAVOR** P Greenberg, B Sarrantonio, W. T Furgueson, W Feirer, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Administrative Clerk