



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

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

MINUTES

May 15, 2018 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, May 15, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Seated for the meeting were P Greenberg, W Feirer, G Wendell P Beckman, R Rybak.

Staff:

Stella C. Beaudoin, Recording Clerk
Michael Wells, Esq., Legal Counsel

Audience members: There were 17 audience members.

P Greenberg, Chair called the meeting to order at 7:00pm.

PUBLIC HEARINGS

This evening's quorum was comprised of 5 members; two regular members and three seated alternate members.

- **Application No. 18-9** on behalf of Raymond and Marianne Pawlicki, 11 Mack Lane, Essex, CT, Assessor's Map 50, Lot 14-4, VR District, requesting variances to sections 40C, 40D, 40I.1, 50D and 61B of the zoning regulation to add an open addition to a point 6.5 feet from a side property line where 25 feet is required. Also, to allow a proposed pool house that would increase the existing building coverage from 8.8% to 11.9% where 10% is the maximum building coverage allowed.

This is a proposal to add an 18' x 20' covered entrance porte cochere to the west side of the house. This addition would come to a point 6.5 feet from the side property line where 25 feet is required. The second proposal is to build a new pool house that when combined with the addition will increase the building coverage from 8.8% to 11.9% where 10% is the maximum building coverage allowed.

Ed Cassella, Esq., who presented on behalf of this proposal distributed photographs of the property and a landscaping plan. The proposal includes the construction of a covered overhang which will expand over the driveway and the construction of a pool house with a covered porch. E Cassella stated that he and the applicant have spoken with neighbors and as a result of those conversations, the architecture on this proposal has been revised, the size of the pool house has been decreased, the height of the pool house has been minimized and the style has been revised so as to be in keeping with the architecture of the main home.

E Cassella stated that the house is at one elevation and the pool at a second elevation and there is a full flight of stairs that separate the two structures. The coverage request associated with this proposal presents a minimal coverage increase of a 1.9% increase.

R Pawlicki stated that he is amenable with removing the Arborvitae on the Southern property line.

There were no further comments from the Board.

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

Frank Flores abutting property owner noted that if the existing Arborvitae are removed the view will be restored in the area of the pool house. F Flores stated that he will support the granting of a variance and asked that if the ZBA were to issue a variance, to do so with the condition that the building height is not exceed 13.8' and the vegetation not to exceed 6' in height.

Tom Casey 12 Mack Lane stated support of this proposal and also support of the case that F Flores made related to structure height and vegetation not to exceed 6' in height.

Mike Carlucci Mack Lane stated support of this proposal and also support of the case that F Flores made related to structure height and vegetation not to exceed 6' in height.

R Pawlicki indicated that he is amenable to maintaining the height at 13.8' however he was not in favor of a restriction on the landscaping height so as to not exceed 6' in height.

There was no further public comment.

Letters submitted: 1) (Letter written prior to revised plan for the original application): Nancy McDonald, 6 Mack Lane, stating concern of the impact of this proposal. 2) A letter from CT River Gateway Commission stating the construction of proposed garage will not adversely impact the river scene and asking that the existing mature trees from the pool house to the river are to remain in place.

P Greenberg closed the Public Hearing at 8:25pm.

- **Application No. 18-11** on behalf of Katherine and Colin Campbell, 6 Parker Terrace, Essex, CT, Assessor's Map 32, Lot 11, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a garage addition to come to a point 10 feet from the south side property line where 25 feet is required, and to allow the existing building coverage to increase from 8.1% to 12.2% where 10% is the maximum building coverage allowed.

Douglas Campbell who presented on behalf of this application stated that he purchased the house in June 2017. The house was built in Old Lyme and it was assembled in its current location. D Campbell stated that he wishes to construct a garage with a living space above. The only location in which to situate the garage is on the south side of the house where the existing driveway is situated. The lot is a wedge shape and slopes substantially in the rear of the property. D Campbell stated that he spoke with the southern neighbors (Powell), provided them with plans for this proposal, and as related to their concerns, the size and height of the garage has been scaled down.

M Wells reported that as per an email he received today from the ZEO, J Budrow reported that the Agenda reflects a coverage increase from 8.1% to 12.2% which is incorrect, and the coverage is in fact going from 8.1% to 11%.

D Campbell stated that the hardship associated with this proposal is the constraints presented by the narrow lot which predates zoning. D Campbell stated that this is the only feasible location for the garage due to the substantial slope of the hill in the rear of the subject property.

There were no further comments from the Board.

Letters submitted for the record as follows: 1) A letter from the Essex ZEO correcting the coverage percentages that were posted on the Agenda for this evening's meeting. 2) A letter from Russ and Tracy Powell stating objection to this proposal and a request for a continuance to the June 19, 2018 meeting. 3) A letter from CT River Gateway Commission stating the construction of proposed garage will not adversely impact the river scene. Gateway further requested discussion between the ZBA and the applicant related to proposed tree removal in-process of construction and Gateway requested minimal tree removal. 4) Letter from Robert Daws stating objection to this proposal.

D Campbell stated that he will remove only those trees necessary during the course of construction.

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

Robert Dawes, 8 Parker Terrace, adjacent neighbor stated that he is unhappy over the 10-day notice of this public hearing which left him with minimal time to review and research the project. Mr. Dawes entered into the record a letter of objection to this proposal.

D Campbell stated that per the GIS mapping system, his house is the smallest on the street. He noted that the Powell's are at 17.6% coverage the Dawes are at 10.3%, the Keenes are at 14.9%, and the Griffith's at 13.6% and further indicated that his proposal was scaled down to 11% so as to remain in keeping with the neighborhood. D Campbell stated that the house proposal redesign is also intended to be in keeping with neighborhood and he stated that this is a reasonable size addition which will be set back from the street, remaining sensitive to the neighbor's views. This house was built in the 1940's and D Campbell stated that he purposefully retained an architect who is expert in traditional homes. He was further assured by Roger Nemergut, P.E. that the proposed location of the septic will not create an issue. D Campbell stated that he will engage a landscape architect who will work to enhance the property once the septic is installed.

There was no further public comment.

P Greenberg closed the Public Hearing at 7:35 pm.

- **Application No. 18-12** on behalf of Ann Gamble, 14 Blake Street, Ivoryton, CT, Assessor's Map 58, Lot 5, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to add a porch roof to a point 14 feet from a front property line where 30 feet is required.

Ann Gamble who presented on behalf of this proposal stated that her lot is a narrow L-shape and the legal building area is unavailable which presents a hardship. The steps are in place however they are narrow and she will rebuild over the existing steps.

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

Wendy Carter, Blake Street stated her support of this proposal.

Letter from Lenny and Susan Weeks, 21 Blake Street stating support of this proposal.

There was no further public comment.

P Greenberg closed the Public Hearing at 7:34pm.

REGULAR MEETING

- **Application No. 18-9** on behalf of Raymond and Marianne Pawlicki, 11 Mack Lane, Essex, CT, Assessor's Map 50, Lot 14-4,

Discussion: It was noted that a condition of the granting of a variance will be based on the height of the pool house which cannot be changed beyond the height of 13.8', and the Board would move to approve the footprint as shown on the plan and as per the discussion related to the applicant presenting a proposal if there were to be a future accessory apartment. The applicant has agreed to remove the Arborvitae from the southern property line.

MOTION made by P Beckman to approve **Application No. 18-9** on behalf of Raymond and Marianne Pawlicki, 11 Mack Lane, Essex, CT, Assessor's Map 50, Lot 14-4, VR District, requesting variances to sections 40C, 40D, 40I.1, 50D and 61B of the zoning regulation to add an open addition to a point 6.5 feet from a side property line where 25 feet is required. Also, to allow a proposed pool house that would increase the existing building coverage from 8.8% to 11.9% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is that the lot size predated zoning and the applicant is asking for a small increase in coverage. The pool house will not exceed the 13.8' height and the row of Arborvitae on the southern boundary will be removed, as agreed to by the owner. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR** P Greenberg, W Feirer, G Wendell P Beckman, R Rybak; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

- **Application No. 18-11** on behalf of Katherine and Colin Campbell, 6 Parker Terrace, Essex, CT, Assessor's Map 32, Lot 11.

Discussion: It was noted that the ZBA regulations do not place restrictions on reasonable use of property and this proposal presents a reasonable use of the subject property. There is a viable

hardship related to the topography of the land as associated with this proposal and it is in keeping with similar coverage within the neighborhood.

MOTION made by W Feirer to approve a variance **Application No. 18-11** on behalf of Katherine and Colin Campbell, 6 Parker Terrace, Essex, CT, Assessor's Map 32, Lot 11, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a garage addition to come to a point 10 feet from the south side property line where 25 feet is required, and to allow the existing building coverage to increase from 8.1% to 12.2% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is the narrowness of the lot which was configured prior to zoning. The topography makes the positioning of the proposed garage the optimal and the only location. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR** P Greenberg, W Feirer, G Wendell P Beckman, R Rybak; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

- **Application No. 18-12** on behalf of Ann Gamble, 14 Blake Street, Ivoryton, CT, Assessor's Map 58, Lot 5

Discussion: This proposal only slightly expands the existing steps and will be in conformance with other neighboring properties. The hardship is the width of the lot in that there is no buildable area.

MOTION made by G Wendell to approve a variance for **Application No. 18-12** on behalf of Ann Gamble, 14 Blake Street, Ivoryton, CT, Assessor's Map 58, Lot 5, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to add a porch roof to a point 14 feet from a front property line where 30 feet is required. The hardship associated with this proposal is the existing lot size. The home was constructed prior to zoning and the steps which are existing steps are being slightly widened for safety purposes. This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR** P Greenberg, W Feirer, G Wendell, P Beckman, R Rybak; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

NEW BUSINESS

Modified zoning regulations will go to public hear starting on May 21. A synopsis of how the current regulations became the modified version will soon be delivered to ZBA. No further discussion at this time.

OLD BUSINESS

- **Approval of Minutes –Meeting Minutes, April 17, 2018**

MOTION made by W Feirer to table approval of the April 17, 2018 Regular Meeting Minutes; **SECONDED** G Wendell; **IN FAVOR** P Greenberg, W Feirer, G Wendell P Beckman, R Rybak; **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 Feirer to adjourn the meeting at 8:45 p.m. to the next regularly scheduled meeting which will be held on Tuesday, June 19, 2018 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by P Beckman; **IN FAVOR** P Greenberg, W Feirer, G Wendell P Beckman, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary