### TOWN OF ESSEX LAND USE APPLICATION **PART ONE**



	BY:
PLEASE CHECK THE APPROPRIATE LIN	E(S) AND ATTACH THE APPROPRIATE APPLICATION(S):
SPECIAL EXCEPTION X	VARIANCE / APPEAL
SITE PLAN REVIEW	APPROVAL OF LOCATION
INLAND WETLANDS PERMIT	REGULATION TEXT AMENDMENT
	ZONE CHANGE
- AGENT APPROVAL	COASTAL SITE PLAN REVIEW
WETLAND PERMIT TRANSFER	MODIFICATION OF PRIOR APPROVAL
SUBDIVISION OR RESUBDIVISION	SPECIAL FLOOD HAZARD AREA PERMIT
covered porch, a rear patio and inground pool, ins	
ASSESSOR'S MAP 50 LOT 14	32,130± s.f. 4-1 LOT SIZE(0.74± acres) DISTRICTVR
APPLICANT Bertie Deming Heiner	ville, VA 22901 PHONE (434) 960-9171
APPLICANT'S AGENT (if any) Joe Wren 40 Elm Street, 2nd Floor, Old Sayl	
ENGINEER SURVEYOR/ARCHITECT	<same agent="" as=""></same>
	PHONE
Note	1

- 1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.
- 2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.



## **TOWN OF ESSEX** Planning and **Zoning Commission** 29 West Avenue

Fees: \$125.00 + \$60.00 (DEP)

Make check payable to the Town of Essex

Essex, CT 06426

860-767-4340 x 115 Fax: 860-767-8509

www.essexct.gov

### **Application for Special Exception** PART TWO

Owner(s) of Property : Bertie Deming Heiner				
Address): 601 Old Ballard Road, Charlottsville, VA 22901				
Phone No.: (434) 960-9171 Email: bebeheiner@gmail.com				
The Commission is authorized to grant a Special Exception for the use and/or improvement herein proposed by the provisions of Section				
<ul> <li>land abutting, and directly across the street from the land to which this application relates and;</li> <li>D) A Site Development Plan prepared or approved by a registered professional engineer or surveyor showing all information required to determine the compliance with the Zoning Regulations including lot area, distances of improvements from lot lines, area coverage, and building height.</li> </ul>				
I/We, the undersigned, certify that all the information on this application, including all accompanying documents, is correct as of the date below, and conforms with Town's zoning regulations. I/ We certify that I/ We am/are the owner(s) of the premises described above and are aware of and understand the above referenced zoning regulation(s).				
FOR OFFICIAL USE ONLY:  Application No. 26-2  Property owner  Patents and by 750, 1-26-2				
Date received by ZEO: 1-26-21  Dated: //23 /2/				

#### Appendix A

#### Application Checklist for Special Exception

This checklist is to be completed by the applicant(s) and submitted to the Commission along with a completed application for Special Exception. Information should also appear on the site development plan and within the support documents as appropriate. No section may be left incomplete. Where no area in the "waiver" category is provided for check-off, submission of information is always mandatory.

Waiver(s) may be granted by the Commission pursuant to Section 120C.8. for the furnishing of item(s) of information in which the Commission finds that such item(s) are not relevant to the proper disposition of an application. Such waiver(s) are limited to the furnishing of said information and do not include a request for delay in time to submit necessary items.

Nothing in this section shall prohibit an applicant(s) from requesting a waiver(s) in advance of submitting an application for Special Exception to the Commission.

This checklist shall be complete when signed and dated by the applicant(s) where such signatures and date shall be entered no later than the actual date of the submission of said application.

SECTION DESCRIPTION No.		PROVIDED			WAIVER REQUEST
		YES	No	N/A	- NEGOES.
120A.1	Owner	X			
120A.2	Purchaser Owner's written consent	<del>                                     </del>		X	
120A.3	Lessee Owner's written consent			X	
120B	Application Documents- 15 copies	X			
120C.1	Description of Premises	X			
120C.2	List of Neighboring Owners	X			
120C.3	Statement of Use	X			
120C.4	Site Development Plan	X			
120C.4.a	Owner / Applicant Name	X			
120C.4.b	Plan Data	X			
120C.4.c	Roadways	1		X	
120C.4.d	Survey Monuments	X			
120C.4.e	Municipal / District Boundaries			X	
120C.4.f	Easements / R-O-W / etc.	X			
120C.4.g	Wetlands and Watercourses	X			
120C.4.h	Total Premise Area Use	X			
120C.4.i	Building / Lot Coverage	X			
120C.4.j	Location / Setback Data	X			
120C.4.k	Building / Structure Dimension				
1200. 1.1	Signs and Lighting	X			
120C.4.I	Roadways and Parking			X	
120C.4.m	Infrastructure Data			X	
120C.4.n	Access / Soil / etc.			X	
120C.4.o	Water Supply / Septic Systems	X		100	
120C.4.p	Land Contours / Topography	T			
	( 1 foot intervals)	X			
120C.4.q	Wetlands / Watercourses			X	
120C.4.r	Soils Classifications	X			
120C.4.s	Grading / Filling Limits / Erosion and				
	Sediment Control	X			
120C.4.t	Special Flood Hazard Area	X			
120C.4.u	Floor Area / Parking Calculations /				
	Parking Spaces per section .110			X	
120C.5	Sanitation Letter & Data			No.	
	(see note below)	X			
120C.6	Multiple Dwelling Projects			X	
120C.7	Non-Commercial Timber Cutting			X	
120C.8	Waiver Requests (written)			X	
120D	Maps, Drawings, Certification	X			
101	Gateway Conservation District	X			
102	Coastal Management District	X			
103	Flood Plain District	X			
104	Water Resource District			X	
	Application submitted to town Director of	.,			
	Health or Town Sanitarian for review	X			

# NOTE: A SIGN IS REQUIRED TO BE POSTED ON THE PREMISES RE: SECTION 120F. STANDARDS OF THE ZONING REGULATIONS AS FOLLOWS:

120F. <u>PUBLIC HEARING.</u> The Commission shall hold a public hearing on each application for a special exception. A copy of such application shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing. Notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town, at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the hearing. Such notice shall fairly and sufficiently apprise those who may be interested in the proceeding of the nature and character of the matter proposed in order that intelligent preparation for the hearing may be made. Such hearing shall commence within sixty-five (65) days after the receipt of the application. The hearing shall be completed within thirty-five (35) days after it commences. The commission shall render a decision on all applications within sixty-five (65) days after completion of such hearing. The petitioner or applicant may consent to one or more extensions of any period specified in this section, provided the total extensions all such periods shall not be longer than sixty-five (65) days, or may withdraw such petition or application.

Not less than fifteen days prior to the commencement of the public hearing, the applicant shall post a notice of the hearing on the property involved. Said notice shall be in the form of a freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and shall be clearly legible from the public street. Said sign shall be produced of weather resistant material, shall be legibly lettered with a minimum letter size of two inches (2"). The sign shall not be greater than twelve square feet (12 sq. ft.).

The sign shall contain the following text:

"Application pending on this property before the Planning and Zoning Commission for Special Exception approval for which a public hearing is being held:

Time:

Date:

Place: Town Hall, 29 West Avenue, Essex, CT 06426

For more information, call (860)767-4340 (or as said number is changed from time to time).

Said sign shall not be removed until after the public hearing has concluded. (August 1, 2007)

**Note**: If no required sanitary letter and data accompanies this application, a complete application shall be submitted to the Town Director of Health or the Town Sanitarian for review no later than the date of this completed application is received by the Commission. A letter from the Town Director of Health of the Town Sanitarian, along with a complete application, shall be filed in the office of the Town Clerk at least ten (10) days prior to the scheduled public hearing.

This checklist is a guide to assist the applicant(s). It does not relieve the applicant from the responsibility of being familiar with the Town of Essex Zoning Regulations and submitting a complete application.

Where the submission of information for a particular Special Exception application does not apply, the response in the 'provided' column may be checked off as "no" and such information shall not be required.

Signature of Property Owner

Date

1/23/21

### Statement of Use

Property: 17 Mack Lane (Map 50 Lot 14-1)

Property Owner: Bertie Deming Heiner

Agent: Joe Wren, PE (Indigo Land Design, LLC)

The property is located in the Village Residential 'VR' zone and is within the Connecticut River Gateway Conservation Zone. The long-established use of the property is private singlefamily residential and the former single-family dwelling was recently removed prior to the sale of the property in October 2020. A proposed single-family dwelling is permitted as of right per Section 60A.1(A) of the Zoning Regulations, however, since the dwelling is located in the Gateway Zone and is over 4,000 sq. ft. a Special Exception is required.

The applicant is proposing to construct a 6-bedroom, 2 1/2 story year-round dwelling with an attached garage and rear open covered porch, a rear patio and inground pool, install a pervious driveway, landscaping and a 100% Connecticut Public Health Code-compliant septic system and other associated improvements. The proposed dwelling will be located entirely outside of FEMA Flood Hazard Zone AE (El. 10).

A View Shed Analysis Plan of the property has been provided (see plan enclosed). The proposed dwelling is in more or less the same location as the former dwelling and the proposed development will significantly enhance the visual aesthetics of the property as viewed from the Connecticut River and its tributaries. This proposal incorporates various landscaping features such as meadow grass buffers along the waterward edge and sides of the property, naturalized screening vegetation near the northeast and southeast corners of the property and proposed trees along the sides of the property. Additionally, permeable hardscape materials were incorporated into the plan. These include CT granite stepping stone patios, stepping stone paths, dry-laid CT stone walls and a permeable concrete driveway in lieu of impervious materials.

This project has been reviewed by the CT River Gateway Commission. Gateway finds no opposition to this project and commends the applicant for incorporating the thoughtful landscaping, lighting and other proposed features. See the attached Gateway letter.

### 100' Abutters ~ 17 Mack Lane



#### Property Information

Property ID 50 14-1 Location 17 MACK LA Owner HEINER BERTIE DEMING



#### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Town of Essex, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 04/09/2020 Data updated 04/09/2020

Su			

50-014-01 17 MACK LA

ID

**Site Address** 

**Owner Name** 

HEINER BERTIE DEMING

	100' Abutte	ers List						
	<u>ID</u>	Site Address	Owner Name	Co-Owner Name	Owner Address	Owner City	Owner State	Owner State
•	50-014-02	15 MACK LA	CARLSON RICHARD E TRUSTEE OF THE RICHARD	E CARLSON LIVING TRUST	15 MACK LA	ESSEX	CT	06426
	46-027	12 MACK LA	CASEY THOMAS E		12 MACK LANE	ESSEX	CT	06426
	50-007	THATCHBED ISLAND	CONN STATE OF		N/A	ESSEX	CT	06426
	50-014-03	13 MACK LA	FLORES FRANK J & MARIANNE		13 MACK LANE	ESSEX	СТ	06426
•	46-028	18 MACK LA	KRALL PHILLIP		28 MACK LA	ESSEX	СТ	06426
	50-013	36 MACK LA	PICKETT ROBERT DOUGLAS JR & WEEKS WHITNEY EMELII		36 MACK LA	ESSEX	CT	06426
•	50-011	28 MACK LA	KRALL PHILLIP		28 MACK LA	ESSEX	CT	06426
•	46-031	22 MACK LA	MCFADDEN DANA DAVISON		22 MACK LA	ESSEX	СТ	06426
•	50-012	30 MACK LA	FURGUESON MICHAEL G		30 MACK LA	ESSEX	CT	06426
•	50-014-1A	MACK LA	ESSEX TOWN OF		29 WEST AVE	ESSEX	СТ	06426-0098
	46-026	10 MACK LA	ELMGREN TODD J & BROOKE STROH CO-TRUSTEE		6425 CHABOT RD	OAKLAND	CA	94618

Co-Owner Name

**Owner Address** 

**Owner City** 

601 OLD BALLARD I CHARLOTTSVILLE VA

**Owner State** 

**Owner State** 

22901

- Indicated direct property abutter
- Indicates direct property abutter across the street (or Town ROW)

### 17 MACK LA

Location 17 MACK LA

Mblu 50/014/01//

Acct# 00246500

Owner HEINER BERTIE DEMING

Assessment \$760,000

Appraisal \$1,085,800

**PID** 1260

**Building Count** 1

#### **Current Value**

Appraisal	
Valuation Year	Total
2018	\$1,085,800
Assessment	
Valuation Year	Total
2018	\$760,000

#### Owner of Record

Owner

HEINER BERTIE DEMING

Sale Price

\$1,390,000

Co-Owner Address

601 OLD BALLARD RD

Certificate Book & Page

age 337/68

CHARLOTTSVILLE, VA 22901

Sale Date

10/13/2020

Instrument

00

#### **Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HEINER BERTIE DEMING	\$1,390,000		337/68	00	10/13/2020
RIVERA RAQUEL & HUTTON THOMAS C	\$900,000		0321/0362	00	10/06/2017
GRANT JENIFER	\$372,000		0149/0934	UNKQ	05/31/1994

#### **Building Information**

Building 1 : Section 1

Year Built:

Living Area:

0

**Building Percent Good:** 

**Building Attributes** 

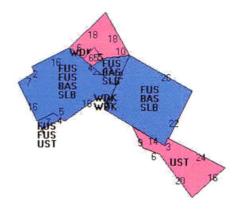
Field	Description
Style	
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior FIr 1	
Interior FIr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Extra Fixtures	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Kitchens	
Cndtn	
Usrfld 103	
Usrfld 104	
Usrfld 105	
Usrfld 106	
Usrfld 107	
Num Park	
Fireplaces	
Usrfld 108	
Usrfld 101	
Usrfld 102	
Usrfld 100	

### **Building Photo**



(http://images.vgsi.com/photos/EssexCTPhotos///0006/17%20MACK%20Ll

### **Building Layout**



 $(http://images.vgsi.com/photos/EssexCTPhotos//Sketches/1260\_1260.jpg)\\$ 

Building Sub-Areas (sq ft)	<u>Legend</u>
No Data for Building Sub-Areas	

#### **Extra Features**

### No Data for Extra Features

#### Land

Land Use

**Land Line Valuation** 

**Use Code** 

100V

Description

Residentl MDL-00

Zone Neighborhood SX19

VR

Size (Acres)

0.73

Depth

Assessed Value \$753,100

Appraised Value \$1,075,900

### Outbuildings

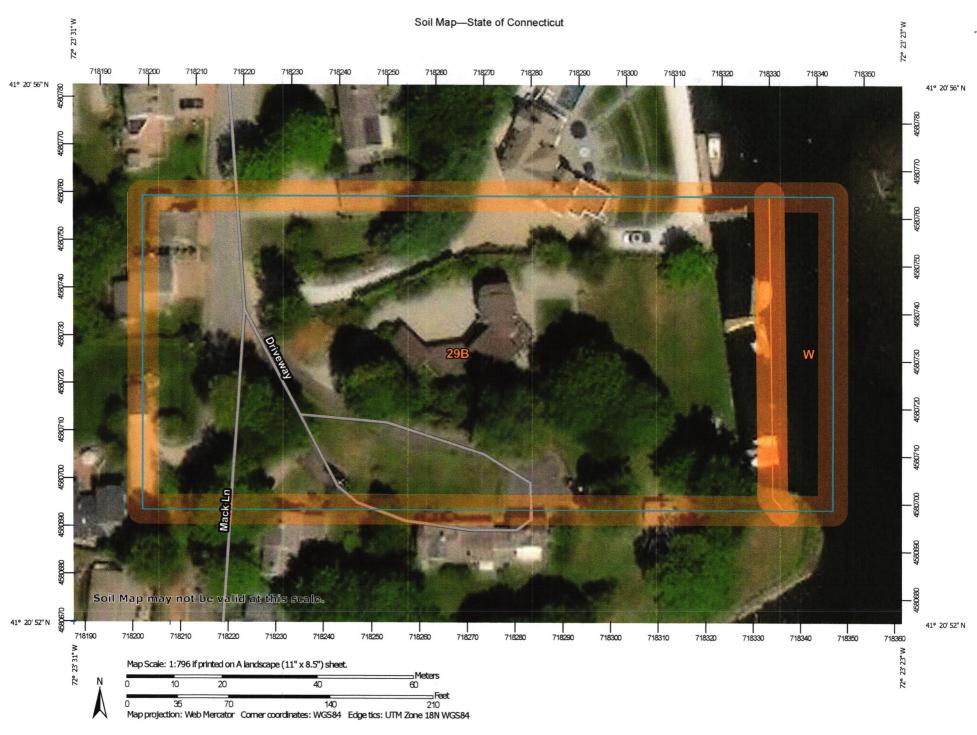
	Outbuildings			<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size
DCK1	Dock-Res			264.00 S.F.

### Valuation History

Appraisal	
Valuation Year	Total
2019	\$1,269,700

Assessment	
Valuation Year	Total
2019	\$888,800

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#### MAP LEGEND

#### Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

100

Soil Map Unit Points

**Special Point Features** 

**Blowout** 

 $\boxtimes$ 

Borrow Pit

Clay Spot 莱

Closed Depression

**Gravel Pit** 

**Gravelly Spot** Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Wet Spot

0

Very Stony Spot

Other

Δ

Special Line Features

**Water Features** 

Streams and Canals

Transportation

+++

Rails

Interstate Highways

**US Routes** 

Major Roads

Local Roads

Background

Aerial Photography

#### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12.000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: State of Connecticut Survey Area Data: Version 20, Jun 9, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Sep 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## **Map Unit Legend**

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
29B	Agawam fine sandy loam, 3 to 8 percent slopes	2.2	91.0%
W	Water	0.2	9.0%
Totals for Area of Interest		2.4	100.0%

Soil Testing per the Town of Essex

### SITE INVESTIGATION FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM

Address	17 Mack Lane					50	Lot: 14-1	
Property Owner Bertie Heiner - Contra			t purchaser		Applicat	Application/Permit #		
Date: 10/8/20	4.44.4	DEE	P TEST PIT DATA (Record all		IPTIONS			
TEST PIT:	TP-1	TEST PIT:	TP-2	TEST PIT:	TP-3	TEST PIT	: TP-4	
0-15" Fill (Br. San	dy loam,	0-16" Fill (Br	. Sandy loam	Mixed dredg	e spoil and fill	0-66" Mix	red fill (sand and	
topsoil)	-:1	w/gravel and		for the entire		-	edge spoil, stump rey fine to coarse	
15-51" Dredge sp			br. med. sand or. coarse sand	-	il depth = 100'	1	•	
51-62" Fill (Br. Loaw w/gravel and stor		53-91" Red b		DOLLOIN. TOLA	ii debtii = 100		Red br. silt	
w/graver and stor 62-98" Fill (Mixed		33-31 Keu i	и. эп			31-103	Neu Dr. Siit	
w/muck, ceramic						2 a c d a c a c a c a c a c a c a c a c a		
w/muck, ceramic	)					il industria marapana strati		
Mottles: None	e apparent	Mottles:	None apparent	Mottles: No	one apparent	Mottles:	None apparent	
GW:	None	GW:	None	GW:	None	GW:	None	
Ledge:	None	Ledge:	None	Ledge:	None	Ledge:	None	
Roots:	none	Roots:	62"	Roots:	None	Roots:	90"	
	nsuitable	Restrictive:	53"	Restrictive:	Unsuitable	Restrictiv	e: 91"	
MLSS Req'd?		MLSS Req'd'	Yes	MLSS Req'd?		MLSS Re	q'd? ?	
	TP-5	TEST PIT:	TP-6	TEST PIT:	TP-7	TEST PIT		
Disturbed soil for		1	. sandy loam,		(br. sandy loai	•	(Dark br. sandy	
Hit old foundation		topsoil)		į.	br. loamy san		•	
Total depth = 92'	•	14-25" Dark br. loamy sand		and gravel			30-59" Light br. fine sands	
		w/gravel, ori	• '	28-77" Grey and br. stratified			•	
		25-69" Grey and br. stratified		-		59-115" I	59-115" Red br. silt	
		sand and gra 69-100" Red		77-107" Red	br. Siit			
Mottles: None ap	parent	Mottles: N	Jone apparent	Mottles: No	ne apparent	Mottles:	None apparent	
GW: No		GW:	None	GW:	None	GW:	None	
Ledge: No	ne	Ledge:	None	Ledge:	None	Ledge:	None .	
Roots: No		Roots:	69"	Roots:	68"	Roots:	None	
	suitable	Restrictive:		Restrictive:	77"	Restrictiv		
MLSS Req'd?		MLSS Req'd?	No	MLSS Req'd?	No	MLSS Rec	q'd? Yes	
COMMENTS: FP-6, TP-7 and TP								
GROUNDWATER	TABLE (Near	max., below m	ax., etc.) Below ma	ıximum				

Form#2			Technical Sta	andards for Subsu	rtace Sewage I	Disposal Systems		1/1/2018	
Date:	Engin	eer to run leep			ION TEST DA'	TA	by a	te O de de como che de Phillips (Sa de sono como como como como como como como c	
PERC:			PERC:	and the second states are		PERC:		PERC:	
DEPTH: PRESOA	v.		DEPTH: PRESOAK:		DEPTH: PRESOAK:		DEPTH: PRESOAK:	66 and PANA And access of Mayardh Andronic survey for the first and account of the second control of the secon	
TIME	IX.	READING	TIME	READING	TIME	READING	TIME	READING	
PERC R/	ATE:		PERC RATE		PERC RAT	· F.	PERC RAT	F.	
PERC RA	AIE:		PERC RATE	:	PERC RAT	E:	PERC RAT	E:	
Commen	ts:	эмээ жэгжий байн хойн байн байн байн байн байн байн байн ба							
anne ann an Aireann ann an Aireann ann an Aireann ann an Aireann ann ann ann ann ann ann ann ann ann		SITE INV	ESTIGATION	FOR A SUBSU	JRFACE SE	WAGE DISPOS	AL SYSTEM	[	
						ugh sketch)			

LOCATION DRAWING INCLUDING ALL TEST PITS AND PERCOLATION HOLES

SPECIAL CONDITI	IONS	CONCLUSIONS			
Design Flow > 2000 GPD		Suitable for Sewage Disposal	Yes		
Public Water Supply Watershed	digital services of employment of the services	Unsuitable for Sewage Disposal			
Probable High Groundwater	en e	Additional Investigation Req'd			
Slope > 25 percent	rra, per te vez mentetantra figita, etten e netatione propriation e e e e e per e e e e e e e e e e e e e	Wet Season Monitoring Req'd			
Perc Rate < 1 min/inch	PA CENTER ON PARTY DESTA AND TO CONTROL AND	Retest During Wet Season			
Perc Rate > 30 min/inch	A TANK AND	Professional Engineer Plan Required	Yes		
Ledge < 5 feet below grade	6-4-10-10-10-10-10-10-10-10-10-10-10-10-10-	Other:			
Limited Suitable Area	Yes	TO A MANUAL CONTROL OF THE CONTROL O			
Open Watercourse or Wetlands	Some				
Flood Plain I Seasonal Flooding	4				
Max. G.W. < 36 inches below grade	00.00 to 10.00 to 10.				

### **Design Recommendations**

Design system in area of TP's 6,7, &8System should access grey to brown or light brown sandy layer.
Restrictive layer is red brown silt. Dependent on perc tests stay 18-24" above that layer. Average
restrictive layer is ~68" in that area so MLSS does not
apply.

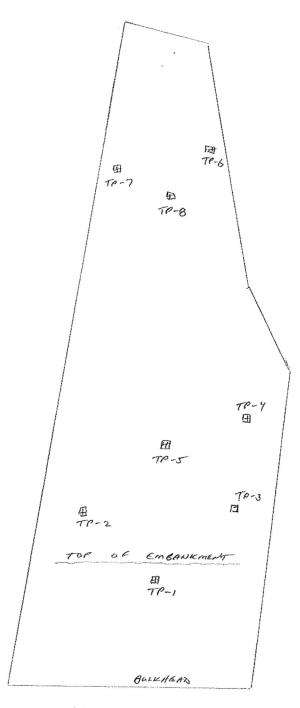
### Form Completed by: Don Mitchell, RS

(Local Health Agent or Professional Engineer)

Accuracy Assured by (If Professional Engineer Completed the form)

(Local Health Agent)

Others present for site investigation (e.g. engineer, soil scientist, installer) Joe Wren, PE; Bob Russo – soil scientist; Duncan Downie -excavating contractor; Jaime Childs – Buyer's agent Wm. Pitt Sotheby's; Tom Evans – Seller's agent Century 21, Current owner and one other individual (did not get name).



WATER