

TOWN OF ESSEX
LAND USE APPLICATION
PART ONE

RECEIVED
JUN 25 2021
BY:

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	___	VARIANCE/ APPEAL	___
SITE PLAN REVIEW	___	APPROVAL OF LOCATION	___
INLAND WETLANDS PERMIT	___	REGULATION TEXT AMENDMENT	___
INLAND WETLANDS PERMIT - AGENT APPROVAL	___	ZONE CHANGE	___
	___	COASTAL SITE PLAN REVIEW	___
WETLAND PERMIT TRANSFER	___	MODIFICATION OF PRIOR APPROVAL	___
SUBDIVISION / RESUBDIVISION	___	SPECIAL FLOOD HAZARD AREA PERMIT	___

PROJECT DESCRIPTION:

- Add 3 windows and Dormer addition
to main structure on 36 Mack Lane
- Stabilize roof
- reframe walls and ceiling back wall

STREET ADDRESS OF PROPERTY 36 MACK LANE ESSEX, CT 06426

ASSESSOR'S MAP 50 LOT 13 LOT SIZE 0.58 AC DISTRICT VR

APPLICANT ROBERT D PICKETT and WHITNEY E WEEKS
646-420-3673 PHONE 203-895-5726

APPLICANT'S AGENT (if any) PAUL RIGGIO
PHONE 860-662-0157

ENGINEER/SURVEYOR/ARCHITECT AHMAD, DADI
PHONE 860-796-0200

Note:

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.

3) I HERBY AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

Town of Essex
Zoning Board of Appeals
29 West Avenue, Essex, CT 06426

Application
Part Two

Date received by office 6/25/2021 Application fee - \$40 + State fee - \$60 = \$100

Variance ✓ 21-31 Application # 21-31 & 21-34
Appeal of a Decision by ZEO ✓ 21-34
Certificate of Location _____

APPLICANT (please print) ROBERT D PICKETT and WHITNEY E WEEKS
ADDRESS 36 MACK LANE ESSEX CT 06426
Street Town State Zip
Telephone 646-420-3673 203-895-5226
home work cell

OWNER OF PROPERTY ROBERT D PICKETT and WHITNEY E WEEKS
ADDRESS 36 MACK LANE ESSEX CT 06426
Street Town State Zip
Telephone 646-420-3673 203-895-5226
home work cell

Deed Reference: Book 337 Page 55

Current use of the property Residential

Is any portion of property within 500' of another Town? No

Is the property within the Gateway Conservation District? No

If this application is for a variance(s) please complete the following section:

Variance(s) requested of the zoning regulations
Allow Jarner addition to be added this year
instead of waiting until 2022 - more details in letter attached.

State the hardship on which the variance(s) are based. The hardship MUST be based on physical constraints of the land only.

We believe our projects meets 10^{3,3} A, B, and C conditions in granting us a variance. Our hardship is managing a growing family in a structure which cannot accomodate in the current state. More details are in the attached letter.

Have previous applications been made for this property? YES

Previous application #s and dates OCT 14, 2020

If this application is to APPEAL an order of the Zoning Enforcement Official, please describe the nature of the order and basis for the appeal. Attach a copy of the ZEO's order.

- House deemed in Special Flood Hazard Area and application was denied due to section 103
- more details in attached letter

If this application is for a Certificate of Location for Motor Vehicles Sales or Repair, please describe proposed business.

N/A

The following items must be included as part of this application:

- a. Fee of \$40, plus \$60 State Fee...payable to the Town of Essex
- b. 15 copies of the application, site plan (with setback lines) and sketch of the proposal.
- c. Copy of property deed
- d. Copy of ZEO's order (if applicable)
- N/A e. K-7 Certificate (if applicable) No public hearing required.

Signature of applicant [Signature]

Date: 6/24/21

Signature of property owner [Signature]

Date: 6/24/21

Applicant must provide a current list of all names and addresses of abutting property owners.

NAME	ADDRESS	TOWN	ZIP CODE
STATE OF CONNECTICUT	THATCHED ISLAND	ESSEX, CT	06426
ESSEX LAND TRUST	PO BOX 373	ESSEX, CT	06426
MICHAEL FURGURSON	30 MACK LANE	ESSEX	06426
TOWN OF ESSEX	29 WEST AVENUE	ESSEX	06426
HEINER BERTIE DEMING	601 OLD BALLARD RD	CHARLOTTESVILLE	22901
GREENBERG, PHYLLIS & PAUL	26 MACK LANE	ESSEX	06426

To whom it may concern:

My husband and I reside at 36 Mack Lane in Essex, CT. The historic home was completed in 1764 and is referred to as the Captain Uriah Hayden House. The home is featured in the historical building index "Houses of Essex" (excerpt attached for reference) and it's original structure is believed to be one of the oldest homes in the town of Essex.

When we toured the house in October 2020, we fell in love with it despite the obvious spatial limitations on the home's second floor. We discussed with our realtor that we would like to move forward and purchase the home, with the understanding we would need to add dormers to the second floor. He put us in contact with a contractor and plans were drawn up. It was only after the purchase was complete that we learned, upon applying for a building permit, that we were unable to do any work on the house until December 2021. We were informed that as a result of the previous property owner completing work associated with a building permit approved in December 2016, we would need to wait 5 full years until applying for an additional permit. This is due to the previous work being valued at more than 50% of the market value of the structure and a portion of the structure falling within the flood zone. We were understandably disappointed, as no FEMA or town regulations were ever discussed or disclosed to us at any point during the purchasing process. Furthermore, the section of the house we wish to modify is beginning to have a concave slope in the roof due to age (photos attached for reference). When my husband and I hired a chimney sweep to ensure the chimneys were structurally sound, he alerted us that the roof would likely need to be replaced and reworked imminently. This is concerning to us.

My husband is 6'6" tall and currently cannot walk around the second bedroom in our home (photos attached for reference). This is the only other bedroom in the house. A few months ago, my husband and I learned that we are expecting our first baby. The baby is due in January. As one can surmise, we would never be able to get the construction done in time if we are forced to wait until December 16th, 2021 for an approved building permit.

As it stands, our options are as follows:

1. Have our second floor be a construction zone with a newborn baby.
2. Have a nursery my husband cannot comfortably move around in with the baby.
3. Vacate our home with a newborn while construction is being done.

This situation has created a great deal of stress for myself and our family, which is unhealthy for all involved. The idea of vacating our home with our first baby for two months is, understandably, very overwhelming.

I understand a simple dormer may not seem like grounds for a hardship exemption for most. However, in this case the ZBA's decision will hugely impact my young family's ability to enjoy this precious time in a way that is healthy and comfortable. We intend to make Essex our home for many years, and we ask the zoning board to please approach this decision as they would if it were their own family. Being granted even eight weeks to work on the house prior to the reset would make all the difference in the world to us. We have retained a contractor who is ready and

willing to assist as soon as we are able to move forward. Please allow us to modify the room to create a nursery that we can both, as parents, utilize.

Thank you,
Whitney E Weeks and Robert D Pickett



Town of Essex
APPLICATION FOR ZONING PERMIT
(REV. 4/25/2016)

Please fill out to the best of your knowledge. Staff will complete anything left blank:

Application # _____ Date Oct 14th 2020
Location of Premises 36 Mack Ln Essex Ct 06426
Assessor's Map # _____ Lot No. _____ Zoning District _____ Lot size _____
Gateway Conservation District _____ Coastal Area Management area _____

Flood Plain area _____ Water Resource District _____ NDDB area _____
Property Owner(s) Whitney Weeks, Doug Pickett
Address 36 Mack Ln Essex Telephone 203-451-5100
Applicant Whitney Weeks
Address 36 Mack Ln Essex Telephone 203-451-5100

**Complete description of proposed use or project (include dimensions, if applicable): Demer Addition
Install new windows, 3 in total.
Re-frame walls and ceiling back
up.

Existing Building Coverage _____ % Proposed Building Coverage _____ %
Existing Property Use _____
Are wetlands and/or watercourses present anywhere on the property? NO
ZBA Approval Date _____ Wetlands Permit Approval Date _____
Special Exception Approval Date _____ CAM Approval Date _____

By signing this application, the applicant(s) and/or owner(s) agree that the Zoning Official and the Zoning Commission or their agent(s) are authorized to enter upon the property for which this permit applies for the purpose of inspection and enforcement and administration of the Zoning Regulations for the Town of Essex. This permit is issued based upon the plot plan and all supporting documents submitted. Falsification by misrepresentation or omission or failure to comply with the conditions of this permit shall constitute a violation of the Essex Zoning Regulations and shall render this permit void.

This permit is void if: work or activity does not commence within 12 months from the date of approval. Work activity being performed is not in accordance with this permit.

#inbox/FMfcgxwKhqkQmzTsbwNhdEXvFDICBHXx?projector=1&messagePartId=03

This permit is void if: work or activity does not commence within 12 months from the date of approval. Work activity being performed is not in accordance with this permit.

Signature of Applicant [Signature] Date 10-14-20

Signature of Owner [Signature] Date 10-14-20

Email to whom to send approved zoning permit _____

A site plan is attached clearly showing:

- a) The location and exact dimensions of all boundaries of the lot;
- b) The location of wetlands and/or watercourses (including but not limited to, streams, ponds or lakes) on, or near the property;
- c) The location and exact dimensions of all existing and proposed structures and other improvements including the location and layout of the septic system and the source of water supply;
- d) The exact distance of proposed structures and improvements from lot lines;
- e) Name and location of each street abutting the lot, and/or the location and width of any other way affording access to the lot from a street;
- f) A floor plan if application is for a commercial change of use

The following must also be furnished as part of the application:

- g) A list of the names and mailing addresses, with Tax Map and Tax Lot Numbers, of owners of all land adjacent to the land to which this application relates; and
- h) **Fees: Permit \$11.00 and DEEP \$60.00.** Make one check made payable to the Town of Essex.
- i) **Required Bonds if applicable:**
 Single Family Dwelling - **\$2,000.00**
 Additions 800+ sq ft - **\$1,000.00**
 Commercial operation as per zoning regulations section 121D

I / We certify that all the information on this application, including that on the site plan and any attachments, is correct as of the date below and complete. I/We certify that I/we am/are the owner(s) of the premises described above, or the authorized agent of the owner(s) of said premises.

10-14-20
Dated:

[Signature]
Applicant(s) or Agent Signature(s)

FOR OFFICIAL USE ONLY:

Health Department Approval Date 11/6/20 DSM

✓ #1313

Date received by ZEA _____

Fees: Town - \$11 ✓

DEEP - \$60 ✓

Signature of Zoning Enforcement Agent _____

Approval Date _____

Denied (date) _____ Sec. _____

Permit Conditions/Reasons:



TOWN OF ESSEX
ZONING ENFORCEMENT OFFICIAL
29 West Avenue, Essex, CT 06426

REGULAR MAIL

January 8, 2020

Robert Pickett, Jr.
36 Mack Lane
Essex, CT 06426

Re: House in Special Flood Hazard Area


Dear Mr. Pickett,

I am writing to state that after an extensive review of your proposal I am not able to approve any improvement to the house at 36 Mack Lane at this time. A few years ago, at my request, a surveyor marked the base flood elevation for the property at the walkout door of the basement. The mark was on the door approximately 1 to 2 feet above the ground. It is my feeling that the house is within a special flood hazard area.

Per section 103, a structure within a flood plain may have improvements made to it, over a 5 year period, but the value of the improvements cannot be equal to, or more than half the "market value" of the building as defined by the zoning regulations. Based on building permit costs since 2016 the house will have a clean slate as of December 16, 2021, to be able to make additional improvements.

If you have any comments or questions, please call me at 860-767-4340 ext 115.

Respectfully,


Joseph Budrow, CZEO
Certified Zoning Enforcement Official
Town of Essex

CC: David DeLeeuw, Building Official
Lisa Fasulo, Sanitarian
file

Attach: Zoning permit application



HOUSES OF ESSEX

VOLUME II

By Donald Malcarne

URIAH HAYDEN HOUSE
 36 MACK LANE SOUTH (EAST) – ESSEX, CT
 1929 AERIAL MAP 61 – LOT #7
 MARCH 4, 2002
 BY
 DON MALCARNE

1929 Essex Tax Records give no age for this house – stone foundation – whole cellar with dirt floor – out house – oil lights – metal gable roof – 24' by 22' (1 & 1/2 story) with 14' y 12' ell – 12' by 16' shed –

ELR 162/624 – 9/26/1996 – Warner Lord of Madison, CT & Betsy Averill of Essex, CT to Cheryl Furey of Hartford, CT – land & buildings - \$370,000.00 – bound north by n/f the Estate of David Mack & Middle Cove, east by the cove, south by n/f Aaron Perkins & the cove & west by n/f George Mack –

ELR 111/124 – 7/9/1987 – Warner Lord, successor Trustee of Arline Porter Lord Trust to Warner Lord of Madison, CT & Betsy Averill of Greenfield, MA – land & buildings – same description –

ELR 101/763 – 5/15/1986 – Arline P. Lord to Trust – 1/4 acre m/l & buildings – refer to ELR 30/389 –

ELR 80/1094 – 6/27/1978 – Death of Rossiter E. Lord – refer to ELR 30/389 –

ELR 30/388/389 – 10/31/1946 – Ross/Arline Lord to James Gould to themselves – survivorship deed – 1/4 acre m/l & buildings – same description -

ELR 22/309 – 6/9/1930 – Fred J. Mack to Ross/Arline Lord – 1/4 acre m/l & buildings – with ROW from Mack Lane – same description

ELR 12/499 – 1/5/1912 – William J. Tripp to Fred J. Mack – 1/4 acre m/l & buildings with life use to said Tripp (he died in 1916) – bound north by the estate of David Mack, east by the cove, south by John Lomborg & the cove & west by David Peterson & the estate of David Mack –

EPR 2/562 – 8/5/1874 – Will of William Tripp – to son, William J. Tripp – the house/land now occupied by me – to wife, Nancy – USE of 1/3 of the house/garden – NOTE: Nancy Mack was the mother of William J. Tripp – she had married William Tripp Jr., 12/30/1827 –

SLR 26/374 – 11/30/1833 – David Mack to William Tripp Jr. – 1/4 acre m/l land - \$45.00 – "bounds being a little northerly of the dwelling house where said Tripp

now lives" – bound north & west by David Mack, east by the cove & south by Captain William Williams –

SLR 24/222 – 11/6/1830 – Calvin Hayden to David Mack - \$375.00 – 2 acres land & dwelling house – bound north 11 rods by the street, east 30 rods by the cove, south 14 rods by Captain William Williams & west by Uriah Hayden 22 rods –

SLR 12/530 – 1/14/1800 – Uriah Hayden to Calvin Hayden – 2 acres land with 2 dwelling houses thereon - \$85.00 – "beginning 52' north of Elias Hayden's dwelling house on the cove" – bound north & west by Uriah Hayden, east by the cove & south by William Williams –

SLR 7/652 – 5/13/1762 – Ebenezer Hayden Sr. to Uriah Hayden – 8 acres land only – 80 lbs – bound north by the dower of Elizabeth Bull from her husband John Fenner & Pelig Hill, east by Potapoug Cove, south by the dower of Elizabeth Bull & west by the Country Road –

CONCLUSION: This is certainly one of the two houses in SLR 12/530 – when David Mack took over, he built his own house and moved other buildings to accommodate his family – his father lived in a dwelling two houses west of the house under consideration – I suspect David Mack lived in this house, as he built his new dwelling – this place was undoubtedly located elsewhere on the two acre parcel – once David's new house was done, his newly married sister moved here – this house was probably built by Captain Uriah Hayden for his nephew, Calvin, in 1796, upon the marriage of Calvin – Calvin's father, Elias, also lived in a house here (also moved), built by Uriah – There is a vague possibility that this is the old Will Hide place – it was located on the parcel immediately south – could Captain Benjamin Williams, a real "buddy" of Uriah Hayden, given or sold him this house (no land record) – and Uriah put it on his property – that would make this place circa 1650!!!! – who knows???

Captain Uriah Hayden House



Uriah Hayden was the patriarch of Essex (Potapoug) shipbuilding, and one of the persons responsible for making our area so important in the marine field. He was born in 1732, married Anne Starkey in 1754, and died in 1808.

This is one of the more intriguing houses in Essex, as it is uncertain when it was built and it is possibly the oldest extant house in town. Located on the east end of the loop on Mack Lane, it is a smaller Cape Cod style house, set into the bank where Middle Cove meets South Cove. At the time of its construction in the 18th century, there was no Middle Cove, for the entire cove area south of Potapoug Point was known as South Cove.

William ("Will") Hide was one of the original surveyors and settlers of Potapoug Quarter in 1648. His house and land (bordering this property to the south) was purchased by Captain Benjamin Williams, a friend and business associate of Captain Uriah Hayden, in 1764. However, there was no mention of the house in Williams' 1803 probate inventory, and it is possible he had sold the Hide house to the above mentioned Uriah Hayden, who, in turn, may have moved it to his (neighboring) land after 1762 when he took possession of this property from his uncle, Ebenezer Hayden (SLR 7/652). The alternative scenario is that Uriah built this house for his nephew Calvin Hayden upon the 1796 marriage of Calvin to Betsy Griffing. Uriah shortly sold the two-acre parcel to Calvin (SLR 12/530). Calvin built ships on this site and later moved to Westbrook, Connecticut, where he again pursued this profession. After Uriah Hayden had built the "Oliver Cromwell" near his home at the foot of Main Street in 1776, he became an aggressive entrepreneur in town, expanding his shipbuilding activities to the area now known as Mack

Lane. In 1830 Calvin sold two acres and this house to David Mack for \$375 (SLR 24/222). This was the start of the Mack dynasty here that lasted into the 20th century. David resided here for a short time while he built a new homestead (discussed elsewhere in this volume), and then his recently married sister Nancy (the wife of William Tripp, Jr.) moved to this dwelling. This house was moved (again?) slightly southeast at the time David Mack erected his new home.

This homestead remained in the Tripp family until January 1912 when it was sold to Fred J. Mack, a direct descendant of David Mack (ELR 12/499). In 1930, Rossiter (Ross) and Arline Lord purchased it (ELR 22/309). Ross was the son of Archie Lord, a real estate entrepreneur in town, and ultimately operated a general dry goods store on Main Street, across from the Post Office. Arline was an elementary schoolteacher for many years in Essex. Ross succeeded Thomas Coulter as Essex Town Clerk in 1953 and remained in that position until December 31, 1973. He was also a Trustee of Pratt High School before that quasi-private/public institution was replaced by Valley Regional High School.

This house was owned by the children of Ross and Arline Lord until 1996, when it was sold to Cheryl Furey from Hartford, CT (ELR 162/624). Interestingly, when the Lords bought this place in 1930, there was a great deal of "updating" to do. It had oil lights, a metal roof, and virtually no indoor plumbing at that time.

