



TOWN OF ESSEX
Zoning Board of Appeals

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George Wendell
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Unapproved

Minutes
October 18, 2022 – Zoning Board of Appeals

Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, October 18, 2022 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom. Members in attendance were W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman, S Feaster and G. Wendell.

Staff present: Carey Duques, Zoning Enforcement Officer, Stella Caione, Recording Clerk and Sylvia Rutkowska, ZBA Legal Counsel.

W Feirer welcomed everyone to the Essex Zoning Board of Appeals meeting.

The members of the Essex Zoning Board of Appeals announced themselves. The audio attendees were advised to mute themselves during the meeting except during public comment. Attendees were asked to please identify themselves for the record prior to making any comments.

1. Public Hearing

Application No. 22-06 on behalf of Patrick and Susanna Smith, **50 Crosstrees Hill Rd, Essex, CT**, Assessor's Map 70 Lot 8, RU District, requesting variances to Sections 40D,

40E, and 101E for a pergola and greenhouse where a chicken coop was removed
(Continued from September 20, 2022).

Seated for this application, W T Furgueson, B Sarantonio, W Feirer, P Schaller, P Beckman.

This item was continued from the ZBA meeting last month because the owner asked to return to Gateway to provide clarity on their requests.

The property at 50 Crosstrees Hill Road is 0.3 acres in size and is located at the end of Crosstrees Hill Road. The lot has a single-family dwelling built in 1959.

This application is to add a 10' X 15' greenhouse and 16' X 12' pergola in the side yard within 100 feet of the CJL. The regulations do not allow improvements within 100 feet of the CJL.

Previous variance requests: ZBA #21-37 for terracing and small retaining walls within 100 feet of the CJL.

Due to the request of a variance of 101E a referral had been sent to IWWC for consideration at their regular meeting of August 9, 2022. The IWWC did not have any concerns with the placement of the buildings in regards to the CT River since the greenhouse was proposed on a concrete slab and the pergola will have four small footings.

P Smith who presented on behalf of this application stated that he is withdrawing the proposal for a greenhouse and he wishes to move forward with proposal for the 16' X 12' pergola in the side yard within 100 feet of the CJL. Mr. Smith stated that he is in agreement with installation of a permeable surface under the pergola, and he noted that there was a CT River Gateway Commission stipulation to revegetate the area in the 50 foot Required Vegetative Buffer on the land between the septic system and the lower stone wall and waterfront. Mr. Smith noted that when he installed the septic system and the walls, there was no existing vegetation in place. Mr. Smith stated that there are 8 or 9 trees in that area and there has been no erosion. There is an existing path on the property since 1960.

P Smith stated that the hardship is the topography of this property which makes it unbuildable.

A letter submitted by the CT River Gateway Commission on behalf of this application, dated August 3, 2022, was read into the record at the September meeting. In his letter, Torrance Downes stated the following observations: "this property is non-conforming by being within the Gateway setbacks. The natural topography has been drastically changed. The additions which are the subject of this application are not critical to the residential use, and make the property more non-conforming. The deciduous trees along the shoreline do not hide the

structures completely when leaved and not at all when the leaves are down. The trees grow up from steeply sloped land that is already showing signs of erosion and are vulnerable to increasingly powerful storms and rising sea levels. The light that will emanate from the glass house will disturb wildlife and would be considered an intrusion on the natural landscape by many. The pergola adds another structure within the Gateway setback and adds more impermeable surface to the property which also negatively impacts runoff to the river. The Gateway Commission finds that the construction of these structures is not consistent with the intent of the 100-foot setback as conceived by the Gateway Commission and adopted into Section 101E of the Town's zoning regulations. The Gateway Commission voted to recommend that this variance application be denied in full because the proposal is inconsistent with the Gateway's protective mission as codified in sections 25-102a through 25-102m of the CT General Statutes."

The CT River Gateway Commission submitted an October 3, 2022 addendum to their review of this application. Mr. Downes noted that after receiving and considering further information, the Gateway Commission voted to stand by their initial recommendation requesting denial of the variances for the proposed greenhouse, but agreed to not object to the issuance of variances for the pergola with conditions that it will be, 1) Erected over a permeable surface, 2) will be unlit and have vines growing on it, and 3) that native, non-invasive vegetation be planted in the 50 foot Required Vegetative Buffer on the land between the septic system stone wall and the cove which, currently without any vegetation, is vulnerable to erosion.

There were two additional letters submitted and read into the record at the September 20, 2022 meeting, both offering their approval of this proposal; Ava Shnidman, 42 Crosstrees Hill Road and Timothy Locke.

W T Furgueson asked if anyone wished to speak in favor or in opposition of this proposal. There were no comments.

Motion by W T Furgueson to close public hearing on **Application No. 22-06** on behalf of Patrick and Susanna Smith, **50 Crosstrees Hill Rd, Essex, CT**, Assessor's Map 70 Lot 8, RU District, requesting variances to Sections 40D, 40E, and 101E for a pergola and greenhouse where a chicken coop was removed at 7:09 p.m. **Seconded** by P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Application No. 22-07 on behalf of Kristine Thomas, **5 River Road, Essex, CT**, Assessor's Map 17 Lot 4, RU District, requesting variances to Sections 40C, 40D, 40E, 50D and 61B for an addition to an existing home to have a setback of 14.4 feet where 30 feet is required (*Continued from August 16, 2022 and September 20, 2022*).

Seated for this application, W T Furgueson, B Sarantonio, W Feirer, P Schaller, P Beckman.

This proposal was continued from September 20, 2022 in order to allow for the ZBA to review the material that the property abutter shared with the Board. A copy of that document (Exhibit A) was provided to Board members.

Attorney Sylvia Rutkowska, legal counsel for the Essex ZBA recommended that the Board make a determination as to whether this application is a modification of the 2016 variance, and to consider if it is a minor or substantive modification related to the 2016 variance. Attorney Rutkowska noted that if this is a minor modification then the applicant does not have to show hardship, and it is consistent with the 2016 variance. If this proposal is a substantive modification, it will be reviewed and treated as a new application, and hardship must be determined. The preliminary step however, is to determine whether or not this proposal presents a minor modification and it was recommended that the Board hear the remainder of the proposal so that a determination can be made as to whether this presents a minor or major modification.

This application is for addition to the existing home, to be located 14.4 ft off the property line where 30 feet is required. The existing house is located 22.5 ft off the property where 30 ft is required.

A prior variance was issued in 2016 for an addition that is almost identical to the existing variance request. However, the addition was not constructed, and the proposed changes were different enough to require a new variance request. The new request is slightly less non-conforming than the original variance granted in 2016; the original request was to be 13.1 feet off the property line as opposed to the current request of 14.4 ft.

The parcel is 0.36 ac/15,681 sq ft, which is undersized and nonconforming for the zone which requires min of 80,000 sq ft/1.8 ac. The lot is 98 ft wide at the street which is also undersized for the zone which requires 150 ft.

Previous variance requests: ZBA **Application #16-12** June 21, 2016 approved for an addition to the existing structure.

Attorney Edward Cassella who presented on behalf of the applicant distributed a copy of the 2016 recorded variance and photos. E Casella asked that the Board approve the proposal this evening, noting that this is a minor modification to the 2016 variance based on several factors; 1) 20 s.f. less than 2016 proposal; 2) 155 s.f. reduction of floor area due to elimination of a dormer, and; 3) it has been pushed from 13.1 feet and now is at 14.3 feet off of the property

line. E Cassella stated that these are improvements to the 2016 variance; removing a garage, reducing the size to the addition, and improving the location to the setback. E Cassella stated that this proposal is a reduction to a nonconformity, and the new structure is further off the property line, with a greater setback; i.e., smaller and further off property line are modifications and create a basis for determining that this is a minor modification.

The exhibits for **Application No. 22-07** on behalf of Kristine Thomas, **5 River Road, Essex, CT** are as follows:

1. Exhibit A: Statement in Opposition to Thomas from Frank and Doreen Grasso
2. Exhibit B: Staff report from C Duques for 9/20/22 ZBA Meeting including 2016 ZBA minutes and variance recorded on land records
3. Exhibit C: Memo from Sylvia dated October 18, 2022
4. Exhibit D: Five photos from applicant showing the property at 5 River Road and adjacent property
5. Exhibit E: 2016 variance issued to 5 River Road which was recorded on land records
6. Exhibit F: Model of proposed addition and existing house at 5 River Road
7. Exhibit G: Letter of opposition to Thomas Zoning Variance dated October 17, 2022

W T Furgueson asked if anyone wished to speak in favor or in opposition of this proposal.

Francis and Dorene Grasso, 1 River Road expressed disagreement with the fact that this proposal presents a reduction and questioned the legal hardship associated with this proposal. Mr. Grasso presented basis for his objections and comments on lack of hardship.

C Duques stated that is up to the Board to decide if the hardship stated is sufficient.

W Feirer thanked Mr. Grasso for his research and subsequent presentation. W. Feirer stated that it is the Board's first priority to determine whether this is a major or minor modification and noted that Mr. Grasso has focused his presentation on objections to the 2016 variance, over which the Board has no purview this evening.

F Grasso stated that there were misrepresentations made in the 2016 variance proposal.

E Cassella asked for clarification on which statement was incorrect.

Patricia Ellis, 4 River Road stated that application was made for a variance and no action was taken on that variance, and P Ellis was informed that the 2016 variance would never expire.

S Rutkowska stated that the regulation that Ms. Ellis is referencing and interpreting is incorrect. Attorney Rutkowska noted that interpretation is made by the ZEO and that interpretation can be appealed, and that has not occurred. The regulation that we have in Essex is one thing, however case law can be inconsistent. The regulations have a general rule which notes that if they are inconsistent with the law, the law wins.

P Ellis stated that the rules are confusing and misleading.

R Kirkpatrick, North Main Street stated that he owned property adjacent to the subject property for 25 years. The whole area is a 2-acre zone. Mr. Kirkpatrick presented a brief history of his property.

D Grasso stated that the applicant's house is a nonconforming house, on a nonconforming lot, and this proposal increases the nonconformity. D Grasso commented on the location of the fence in association with the property line.

E Cassella stated that the focus appears to be on the validity of 2016 variance, and instead the Board will focus this evening on the central question of minor vs major modification. This is a minor modification. This property consists of only 15,000 s.f., and even on a small lot, a setback variance would be required. However, this addition complies with all the other regulations.

E Cassella stated that every property is unique and every property is viewed under a different lens. The neighbor claims an increase by 30% and is talking about how much is in the setback. E Cassella stated in 2016 the Board reviewed that proposal, saw a nonconforming building, the garage was 3.4 feet off of the sideline, and the new building is at 13 feet. The applicant eliminated a shed and proposed an addition. These are allowable under nonconforming laws. In 2016 the Board decided that the applicant of the subject property proposed to push everything back off the property line, and granted the variance. E Cassella stated that what the neighbors are opposing is less than what was previously approved.

There were no letters submitted on behalf of this application.

There were no further comments by the Board.

Motion W Feirer to close public hearing on **Application No. 22-07** on behalf of Kristine Thomas, **5 River Road, Essex, CT**, Assessor's Map 17 Lot 4, RU District, requesting variances to Sections 40C, 40D, 40E, 50D and 61B for an addition to an existing home to have a setback of 14.4 feet where 30 feet is required at 8:09 p.m. **Seconded** by W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Application No. 22-11 on behalf of Kenneth and Laurie Burke, **13 Westwoods Road, Ivoryton, CT**, Assessor's Map 89 Lot 36-11, RU District, requesting variances to Sections 40D, 40E, and 40R to reconstruct a portion of the existing driveway 2 feet from the side property line where 5 feet is required.

Seated for this application, W T Furgueson, B Sarantonio, W Feirer, P Schaller, P Beckman.

This application is to reconstruct a portion of the driveway that sinks and fails. The proposed new location will be 2 feet from the property line where 5 feet is required.

The parcel is 1.66 ac/72,309 sq ft, which is undersized and nonconforming for the zone which requires min of 80,000 sq ft/1.8 ac. The lot is an interior lot that shares a portion of the beginning of the driveway with the neighboring lot.

Previous variance requests: None

Joe Wren, P.E. who presented on behalf of this application stated that this is a proposal to reconstruct the driveway. Portions of the existing driveway are less than 5 feet and the applicant proposes to go no closer than 2 feet to property line, which ensures a safe enough distance so as to not encroach on the property line. Mr. Wren stated that there is a portion of the driveway that constantly sinks, noting that the property owners have rebuilt the driveway 3 or 4 times. Below the reconstruction are logs and stumps which are causing voids in the soil and creating a sink hole. The depression as shown in the photos are significant. Mr. Wren stated that construction of this rebuild hopes to begin soon and the contractor will excavate to remove unwanted materials and to rebuild the driveway. Mr. Wren stated that the topography of the land is the hardship.

Mr. Wren presented a letter of support from Chris Vollaro, 15 Westwoods Road. Mr. Wren noted that there will be tree removal which borders the adjacent property, and those property owners have granted permission.

W T Furgueson asked if anyone wished to speak in favor or in opposition of this proposal.

Laurie Burke stated that they have attempted to remediate this area several times, to no avail. Ms. Burke thanked the Board for their time and consideration.

There were no further comments by the Board.

Motion by W T Furgueson to close public hearing on **Application No. 22-11** on behalf of Kenneth and Laurie Burke, **13 Westwoods Road, Ivoryton, CT**, Assessor's Map 89 Lot 36-11, RU

District, requesting variances to Sections 40D, 40E, and 40R to reconstruct a portion of the existing driveway 2 feet from the side property line where 5 feet is required at 8:22 p.m. **Seconded** by B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Application No. 22-12 on behalf of Robert Marley Brown and Kathleen Bragdon-Brown, **83 North Main Street, Essex, CT**, Assessor's Map 28 Lot 75, VR District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 50D and 60B for a 16' X 25'6" new first floor single story 15.8 feet from the side property line and a 4' X 13' rear porch, 18 feet from the side property line where 25 feet is required and a proposed coverage of 17.9% where 10% is allowed.

Seated for this application, W T Furgueson, B Sarantonio, W Feirer, P Schaller, P Beckman.

This application is to add an addition to the first floor including a master bedroom and bathroom and a rear entry porch. The proposed addition will increase the coverage from 15.8% to 17.9%. Proposed setbacks will be 15.8 feet from the side property line from the proposed addition and 18 feet from the proposed 4' X 13' rear porch to the side property line where 25 feet is required.

The applicant is proposing to remove an existing nonconforming shed that is located within the side setback.

The parcel is 0.39 ac/16,988 sq ft, which is undersized and nonconforming for the zone which requires min of 60,000 sq ft/1.37 ac.

Previous variance requests: None

Attorney Terrance Lomme who presented on behalf of this proposal stated that the house was built in the 1800s, much prior to zoning. Attorney Lomme noted that the septic system is close to the house and the configuration of the property creates a hardship. T Lomme noted that this proposal does not necessarily reduce coverage, however it does reduce the setback; removing shed and porch will reduce the coverage nonconformity.

W T Furgueson asked if anyone wished to speak in favor or in opposition of this proposal.

Mary Aiken of 81 North Main Street stated that she did not receive notification of this evening's meeting and stated her opposition to this application, noting that this proposal would potentially impact her property. Ms. Aiken asked for an opportunity to review the proposal.

Motion by W T Furgueson to pause the public hearing on **Application No. 22-12** on behalf of Robert Marley Brown and Kathleen Bragdon-Brown, **83 North Main Street, Essex, CT**, Assessor's Map 28 Lot 75, VR District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 50D and 60B for a 16' X 25'6" new first floor single story 15.8 feet from the side property line and a 4' X 13' rear porch, 18 feet from the side property line where 25 feet is required and a proposed coverage of 17.9% where 10% is allowed; **Seconded** by P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

W T Furgueson reopened the public hearing on behalf of **Application 22-12** at 8:59pm

Attorney Lomme stated that Ms. Aiken has withdrawn her objection to this proposal. The applicant has agreed to create some type of visual screening between the properties.

W T Furgueson asked if there were further comments. There were no further comments.

A letter received from James and Catherine Hagan from 85 North Main Street, adjoining property owners stating, "support their request for the variances needed..."

A letter from the CT River Gateway Commission dated October 18, 2022 on behalf of this application, stating no objection to the approval of variances for the referenced projects as they will not be adverse to the protection and development of the Gateway Conservation Zone.

There were no further comments by the Board.

Motion by W T Furgueson to close public hearing on **Application No. 22-12** on behalf of Robert Marley Brown and Kathleen Bragdon-Brown, **83 North Main Street, Essex, CT**, Assessor's Map 28 Lot 75, VR District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 50D and 60B for a 16' X 25'6" new first floor single story 15.8 feet from the side property line and a 4' X 13' rear porch, 18 feet from the side property line where 25 feet is required and a proposed coverage of 17.9% where 10% is allowed at 9:00 p.m. **Seconded** by W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Application No. 22-13 on behalf of Katherine C. and Colin D. Campbell, **6 Parker Terrace, Essex, CT**, Assessor's Map 32 Lot 11, VR District, requesting variances to Sections 40C, 40D, 40I.1, 50D, and 60B for a garden shed 12' X 18' to be 4 feet where 30 feet is required from the rear property line and a 10 square foot enclosure 8 feet where 25 feet is required and a new 24 square foot dormer over garage located within the setback, resulting in an increase in coverage of 12.6% where 10% is allowed.

Seated for this application, W T Furgueson, B Sarantonio, W Feirer, P Schaller, P Beckman.

This application is to add a 12' X 18' garden shed, build a 10 sq ft sound deadening enclosure for existing septic system air pump, and add a new 24 sq ft dormer over garage egress door.

The proposed work includes:

- A garden shed 12' X 18' to be 4 feet where 30 feet is required from the rear property line;
- A 10 square foot enclosure 8 feet where 25 feet is required;
- A new 24 square foot dormer over garage located within the setback, resulting in an increase in coverage of 12.6% where 10% is allowed.

The parcel is 0.2 ac/8,712 sq ft, which is undersized and nonconforming for the zone which requires min of 60,000 sq ft/1.37 ac.

Previous variance requests: ZBA #18-11 May 15, 2018 approved for lot coverage and setback

Colin Campbell stated that he is looking to construct a garden shed, on the flat spot, along the property line, on which the shed can be located. Mr. Campbell noted that his septic air pump and wastewater treatment system which is designed to run on continual basis emits a high pitch, high frequency sound which is loud and offensive, particularly for the abutting property owners. Mr. Campbell stated that he would like to mitigate the noise with the installation of a sound-deadening enclosure, providing soundproofing around the pump, absorbing sound on the inside. Mr. Campbell stated that the third piece of his proposal involves the side egress door to the garage noting that when it snows, that egress door is blocked by the snow, and he would like to build a shed dormer that will protect that space from snow accumulation. Mr. Campbell stated that the size and shape of the lot is the hardship.

W T Furgueson asked if anyone wished to speak in favor or in opposition of this proposal. There were no comments.

The CT River Gateway Commission submitted a letter dated October 18, 2022, on behalf of this application, stating that the subject property is a significant distance from the coves and the CT River, and cannot be seen from those vantage points, and as such, CT River Gateway Commission does not object to the approval of variances for the proposed projects as the project will not be adverse to the protection and development with the Gateway Conservation Zone.

There were no further comments by the Board.

Motion by W T Furgueson to close public hearing on **Application No. 22-13** on behalf of Katherine C. and Colin D. Campbell, **6 Parker Terrace, Essex, CT**, Assessor's Map 32 Lot 11, VR District, requesting variances to Sections 40C, 40D, 40I.1, 50D, and 60B for a garden shed 12' X 18' to be 4 feet where 30 feet is required from the rear property line and a 10 square foot enclosure 8 feet where 25 feet is required and a new 24 square foot dormer over garage located within the setback, resulting in an increase in coverage of 12.6% where 10% is allowed at 8:57 p.m. **Seconded** by W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Discussion and possible decision on applications:

Application No. 22-06 on behalf of Patrick and Susanna Smith, **50 Crosstrees Hill Rd, Essex, CT**

It was noted that this proposal provides a reduction in a nonconformity.

MOTION made by P Beckman to approve a variance application for **Application No. 22-06** on behalf of Patrick and Susanna Smith, **50 Crosstrees Hill Rd, Essex, CT**, Assessor's Map 70 Lot 8, RU District, requesting variances to Sections 40D, 40E, and 101E for a pergola where a chicken coop was removed; The hardship associated with this application is based on reduction of the nonconformity, and recognizing that the greenhouse portion of this application has been withdrawn. This variance approval applies only to the pergola proposal. The applicant consents to the following conditions to the approval: (1) the pergola will be erected over a permeable surface (2) the pergola will be unlit and have vines growing on it. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Application No. 22-07 on behalf of Kristine Thomas, **5 River Road, Essex, CT**

After a brief discussion, Commissioners determined that this proposal is a minor modification. Reduction of an encroachment.

MOTION made by W Feirer to find that **Application No. 22-07** is an application to modify the 2016 approved variance ZBA #16-12, that the modification is a minor modification because it reduces the 2016 encroachment, and approve the Application in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Application No. 22-11 on behalf of Kenneth and Laurie Burke, **13 Westwoods Road, Ivoryton, CT**

MOTION made by P Beckman to approve a variance application for **Application No. 22-11** on behalf of Kenneth and Laurie Burke, **13 Westwoods Road, Ivoryton, CT**, Assessor's Map 89 Lot 36-11, RU District, requesting variances to Sections 40D, 40E, and 40R to reconstruct a portion of the existing driveway 2 feet from the side property line where 5 feet is required. The hardship associated with this application is topography of the land and the driveway reconstruction address a safety issue. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.
Discussion: No further discussion.

Application No. 22-12 on behalf of Robert Marley Brown and Kathleen Bragdon-Brown, **83 North Main Street, Essex**

MOTION made by B Sarrantonio to approve a variance application for **Application No. 22-12** on behalf of Robert Marley Brown and Kathleen Bragdon-Brown, **83 North Main Street, Essex, CT**, Assessor's Map 28 Lot 75, VR District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 50D and 60B for a 16' X 25'6" new first floor single story 15.8 feet from the side property line and a 4' X 13' rear porch, 18 feet from the side property line where 25 feet is required and a proposed coverage of 17.9% where 10% is allowed. This proposal is a reasonable addition, and it creates a reduction in nonconformity. In terms of coverage, there is not another reasonable location on the ground level for an addition. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer; **OPPOSED:** P Schaller, P Beckman; **ABSTAINING:** None; **MOTION DENIED** 3-2-0.
Discussion: No further discussion.

Application No. 22-13 on behalf of Katherine C. and Colin D. Campbell, **6 Parker Terrace, Essex**

MOTION made by W T Furgueson to approve a variance application for **Application No. 22-13** on behalf of Katherine C. and Colin D. Campbell, **6 Parker Terrace, Essex, CT**, Assessor's Map 32 Lot 11, VR District, requesting variances to Sections 40C, 40D, 40I.1, 50D, and 60B for a garden shed 12' X 18' to be 4 feet where 30 feet is required from the rear property line and a 10 square foot enclosure 8 feet where 25 feet is required and a new 24 square foot dormer over garage located within the setback, resulting in an increase in coverage of 12.6% where 10% is allowed.

The hardship associated with this application is the topography of the land, the applicant's attempt to appease the neighbors, and the installation of the dormer over the door mitigates a safety issue. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

3. Unfinished Business

Approval of Minutes – September 20, 2022

MOTION made by W T Furgueson to approve the September 20, 2022 Minutes with following amendments; 1) Page 2, last paragraph, notation that Hope Proctor was not present at the August meeting; 2) Page 2, correct spelling: "variance *for*"; 3) Page 3, paragraph 2, second line, 3rd word, strike the word "*further*"; 4) Page 3, 3rd paragraph, rephrase sentence to "*Discussion was had as to whether the applicant intended to abandon, should the current variance be granted.*" Next paragraph first two sentences should read "*Attorney Rutkowska stated that there is not a clear articulation of intention to abandon. Clarification was solicited as to whether the applicant is intending to abandon the 2016 variance, if this variance is granted*"; 5) Page 4, correct spelling of S Rutkowska name; 6) Page 4, 3rd paragraph, to read: "specifically lists in the regulation"; 7) Page 5, clarify 0.43 %. Page 5, correct the spelling of Joseph *Shea*; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

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

5. **Correspondence** – There was no correspondence.

6. Adjournment

MOTION made by W T Furgueson to adjourn the meeting at 9:57 pm to the next regularly scheduled meeting which will be held on Tuesday, November 22, 2022 at 7:00 p.m., at the Essex Town Hall and accessible via online. Refer to Town of Essex website for the Zoom link and related information; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Respectfully submitted,

Stella A Caione, Recording Clerk