



TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**

*W. T. Fergusson, Chair*  
*W Feirer, Vice Chair*  
*Philip P Schaller, Secretary*

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**Regular Members**

*B. Sarrantonio*  
*Brian Weinstein*

**Alternate Members**

*Philip J. Beckman*  
*George Wendell*  
*Richard Rybak*

**Unapproved**

**Minutes**  
**November 17, 2020 – Zoning Board of Appeals**

**1. Call to Order and Seating of Members**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, November 17, 2020 at 7:00 p.m. This meeting was made available to the public via Zoom at <https://us02web.zoom.us/j/85110206095?pwd=TzI5Y0U2a2Rud1gzSFFHOUU5OXFjdz09>  
Meeting ID: **851 1020 6095**; Meeting Password: **393286**

EZBA Chairman W T Fergusson welcomed everyone to the Essex Zoning Board of Appeals public access meeting which was conducted via Zoom platform.

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.

Commission members present were: W. T. Fergusson, W Feirer, P Schaller, R Rybak, P Beckman.

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

Audience: There were three audience members present.

**2. Public Hearing**

- **Application No. 20-23** on behalf of Dave Herrle for Robert and Theresa Dryfoos , 48 Foxboro Road, Essex, CT, Assessor's Map 12, Lot 9, VR District, requesting variances to sections 40D, 40E, 50D and 101E to extend a deck to a point 87 feet from a coastal jurisdiction line where 100 feet is required.

The property located at 48 Foxboro Road, is a lot that abuts the Falls River and is relatively flat on top where the house is situated, and then drastically slopes downward to the water. The property is approximately 1 acre in size.

The applicant is proposing a minor expansion of an existing deck with a storage area below deck that the applicant is calling, a shed area. The location conforms with the zoning characteristic chart (setbacks, building coverage) and the zoning regulations, with the exception of regulation No.101E that states that no improvements are allowed within 100 feet of the coastal jurisdiction line (formerly called the mean high tide line).

This is a proposal to extend a deck to a point 87 feet from a coastal jurisdiction line where 100 feet is required. Because the proposed addition is within a Gateway Buffer Area, Sections 40D, 40E and 50D are applicable.

Sabrina Foulke, Point One Architect, Robert Dryfoos and Dave Herrle presented. Ms. Foulke stated that the subject home is situated on an existing, nonconforming lot for which a small shed addition will be installed with decking above it. The home has a deck that is close to the leaching fields. The property is primarily on ledge and the homeowner is looking to add a storage area. The upper portion/roof will be a continuation of the deck, and underneath will be a small storage area to house garden equipment and outdoor pieces. The addition deck is 87 feet from the wetland watercourse.

S Foulke stated that because the house is close to the leaching fields, they will cantilever the structure if they encounter any wetness during construction.

W T Furgueson read into the record a letter from Torrance Downes, CT River Gateway Commission in which he stated no opposition to this proposal.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There was no further comment from the Board.

**MOTION** made by W T Furgueson to close the public hearing on **Application No. 20-23** on behalf of Dave Herrle for Robert and Theresa Dryfoos , 48 Foxboro Road, Essex, CT, Assessor's Map 12, Lot 9, VR District, requesting variances to sections 40D, 40E, 50D and 101E to extend a deck to a point 87 feet from a coastal jurisdiction line where 100 feet is required; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

## 2. Regular Meeting

- **Application No. 20-23** on behalf of Dave Herrle for Robert and Theresa Dryfoos , 48 Foxboro Road, Essex, CT, Assessor's Map 12, Lot 9.

It was noted that the change in the Gateway Regulations related to the distance to the high-water mark impacts the subject property.

**MOTION** made by W Feirer to approve a Variance for **Application No. 20-23** on behalf of Dave Herrle for Robert and Theresa Dryfoos , 48 Foxboro Road, Essex, CT, Assessor's Map 12, Lot 9, VR District, requesting variances to sections 40D, 40E, 50D and 101E to extend a deck to a point 87 feet from a coastal jurisdiction line where 100 feet is required; The hardship surrounds the fact that the property was subject to the new Gateway regulations related to setbacks from high water mark; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

**3. New Business**

There was no new business.

**4. Old Business**

**Approval of Minutes – October 20, 2020.**

**MOTION** made by W T Furgueson to approve the October 20, 2020 Minutes as presented; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

**a. Other**

There was no other business.

**5. Correspondence and Invoices**

There was no correspondence and there were no invoices.

**6. Adjournment**

**MOTION** made by W T Furgueson to adjourn the meeting at 7:17p.m.to the next regularly scheduled meeting which will be held on Tuesday, December 15, 2020 at 7:00 p.m., location TBD; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Respectfully submitted,  
*Stella A. Paione*  
Stella A. Caione, Recording Clerk