

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

*Paul Greenberg, Chair
Michael Noto, Vice Chair*

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Regular Members

*Al Daddona
W. T. Furgueson
William Veillette*

Alternate Members

*Ward Feirer
Barbara Sarrantonio
Peter Decker*

MINUTES

August 19, 2014 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, August 19, 2014 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Michael Noto
W. T. Furgueson
William Veillette
Al Daddona
Peter Decker seated for Paul Greenberg
Barbara Sarrantonio

Absent Members:

Paul Greenberg
Ward Feirer

Staff:

Stella C. Beaudoin, Recording Clerk

Mr. Noto called the meeting to order at 7:30 p.m.

Seated for the Public Hearing were Michael Noto, W. T. Furgueson, William Veillette, Al Daddona and Peter Decker, seated for Paul Greenberg

1. Public Hearings

An Appeal of an Order by the Zoning Enforcement official by **John Finkeldey for property located at 33 Plains Road, Essex, CT, Assessors Map 45 Lot 20.**

On January 13, 2014, a cease and desist order was sent to John Finkeldey for the following regulated activities or uses found to be in violation of sections 40A, 40C, 40D, 40E, 40I.1, 40I.2, 50D, 82C, 90E, 121A.1 and 121A.2 of the Essex zoning regulations.

- The unapproved use and existence of a structure as a dwelling unit along with the accessory structure.
- The use of all accessory structures without zoning permits and within side setback areas.

A letter from Attorney Terrance Lomme which was dated August 19, 2014 was submitted for the record. In his letter, Attorney Lomme stated that the appeal has been resolved and that Mr. Finkeldey has withdrawn his appeal of Mr. Budrow's issuance of a Cease and Desist order regarding 37 Plains Road, Essex.

A memorandum from Joseph Budrow, Essex CZEO dated August 18, 2014 was submitted for the record. In his memo, Mr. Budrow stated that he has rescinded the Cease and Desist Order submitted to John Finkeldey, 33 Plains Road. After a meeting with Mr. Finkeldey and his attorney it was demonstrated that there is a path to zoning compliance if Mr. Finkeldey pursues the rezoning of his property followed by a property resubdivision. Mr. Finkeldey agreed to pursue these actions.

Mr. Noto closed the Public Hearing.

Application 14-12 on behalf of Joshua Jones for Brian Isacson, 17 Parker Terrace, Essex, Assessor's Map 32, Lot 18, VR District, requesting variances to sections 40D, 40E, 50D and 60B of the Essex zoning regulations to allow a handicapped ramp to increase the building coverage from 12.2% to 12.9% where 7.5% is the maximum building coverage allowed.

Joshua Jones presented on behalf of this application. Mr. Jones stated that Mr. Isacson purchased this house as a residence for his mother who is elderly and she is unable to climb the steps leading into the house. A handicap ramp is necessary in order for Mrs. Isacson to enter the house. The ramp design, which will follow full wheel chair code, will be constructed from pressure treated wood.

Mr. Noto asked if anyone wished to speak in favor or in opposition of this application. There was not public comment.

Mr. Noto closed the public hearing.

Application 14-13 on behalf of Debra Marquis, 4 New City Street, Essex, Assessor's Map 28, Lot 64 VR District requesting variances to sections 40E and 60B of the Essex zoning regulations to allow a lot line revision that proposes the decrease in size of an abutting property that is already of nonconforming lot size. Continued to the September 16, 2014 ZBA meeting.

Application 14-14 on behalf of Elizabeth Parkinson, 33 Foxboro Road, Essex, Assessor's Map 33, Lot 10, RU District requesting variances to sections 40D, 40I.1 and 60B of the Essex zoning regulations to allow a 115' long, wooden walkway to be located along the south side property line to a point 11 feet from the property line on the west end and to a point five feet from the property line on the east end where 50 feet is required.

Rob Shickel representing Ms. Parkinson. Mr. Shickel stated that the applicant is seeking a variance to permit the construction of a 115' long, wooden walkway to be located along the south side property line. In order to do so, a variance is needed for setback and coverage. This proposal has been presented to and approved by the DEEP and the Essex Inland Wetlands and Watercourses Commission. The coverage will increase from 7.6% to 8.2%. Mr. Shickel stated that the only physical way to access the water is through the marsh. The dock will be constructed from pressure treated wood with rope rails and there will be no heavy equipment utilized during the construction. Mr. Shickel stated that the hardship arises out of the

topography of the land which trails into the marsh area and also due to the coverage change in the zoning regulations.

Mr. Noto asked if anyone wished to speak in favor or in opposition of this application. There was not public comment.

Mr. Noto closed the public hearing.

2. Regular Meeting/Deliberation

The same members as were seated for the public hearing were seated for the regular meeting.

Application 14-12 on behalf of Joshua Jones for Brian Isacson, 17 Parker Terrace, Essex, Assessor's Map 32, Lot 18, VR District, requesting variances to sections 40D, 40E, 50D and 60B of the Essex zoning regulations to allow a handicapped ramp to increase the building coverage from 12.2% to 12.9% where 7.5% is the maximum building coverage allowed.

MOTION to grant a variance to **Application 14-12** on behalf of Joshua Jones for Brian Isacson, 17 Parker Terrace, Essex, Assessor's Map 32, Lot 18, VR District, requesting variances to sections 40D, 40E, 50D and 60B of the Essex zoning regulations to allow a handicapped ramp to increase the building coverage from 12.2% to 12.9% where 7.5% is the maximum building coverage allowed. This variance is approved in accordance with the plans submitted.

MADE by A. Daddona; **SECONDED** by W. T. Furgueson; **IN FAVOR:** M. Noto, W. Veillette, W. Furgueson, A. Daddona, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 14-14 on behalf of Elizabeth Parkinson, 33 Foxboro Road, Essex, Assessor's Map 33, Lot 10, RU District requesting variances to sections 40D, 40I.1 and 60B of the Essex zoning regulations to allow a 115' long, wooden walkway to be located along the south side property line to a point 11 feet from the property line on the west end and to a point five feet from the property line on the east end where 50 feet is required.

MOTION to grant a variance to **Application 14-14** on behalf of Elizabeth Parkinson, 33 Foxboro Road, Essex, Assessor's Map 33, Lot 10, RU District requesting variances to sections 40D, 40I.1 and 60B of the Essex zoning regulations to allow a 115' long, wooden walkway to be located along the south side property line to a point 11 feet from the property line on the west end and to a point five feet from the property line on the east end where 50 feet is required. The hardship associated with this proposal is that there is no access to the dock on the property due to the topography of the land. There will be no utilities installed and the height of the deck will be limited to five feet, as per the plans. This variance is approved in accordance with the plans submitted. **MADE** by W. Veillette; **SECONDED** by M. Noto; **IN FAVOR:**, M. Noto, W. Veillette, W. Furgueson, A. Daddona, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

3. Old Business

-Approval of Minutes – Public Hearings and Regular Meeting July 15, 2014

Peter Decker recused himself. Barbara Sarrantonio was seated.

The following amendments were suggested and noted in italics:

Page 2, paragraph 3; “Attorney Lomme stated that the current configuration and location of the structure has been the same since 2006 and *the materials submitted reflect that* there is record that the structure has been occupied since 1955..”

Page 2, paragraph 4; “Attorney Wells summarized that *it is the appellant’s position*” there has been no physical or structural changes to the house since 2009.”

Page 5, paragraph 2; “There is no exterior access and the basement is a small crawl space, and the applicant does need to *store* large equipment.”

MOTION to approve of the July 15, 2014 meeting Minutes as amended; **MADE** by B. Sarrantonio; **SECONDED** by W. T. Furgueson; **IN FAVOR:** M. Noto, W. Veillette, W. Furgueson, B. Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0 0.

4. New Business

There was no new business.

5. Correspondence and Invoices - There was no correspondence and no invoices

6. Adjournment

MOTION to adjourn the meeting at 8:10 p.m. to the next regularly scheduled meeting to be held on Tuesday, September, 16, 2014 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by A. Daddona; **SECONDED** by W. T. Furgueson; **IN FAVOR:** A. Daddona, M. Noto, W. Veillette, W. Furgueson, B. Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary