

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

Paul Greenberg, Chair
Michael Noto, Vice Chair

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members

Al Daddona
W. T. Furgueson
William Veillette

Alternate Members

Ward Feirer
Barbara Sarrantonio
Peter Decker

Unapproved

MINUTES

March 17, 2015 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, March 17, 2015 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P. Greenberg, W. Feirer, W. Veillette, W. T. Furgueson and A. Daddona. M. Noto joined the meeting at 7:10 p.m.

Staff:

Stella C. Beaudoin, Recording Clerk

Michael Wells, Esq., Legal Counsel

P. Greenberg called the meeting to order at 7:00

- **Application No. 15-2** on behalf of Bradford Carpenter and Kate McSpadden, 26 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 1, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D, 61B and 101D of the Essex zoning regulations to allow a new deck to a point 13 feet, 10 inches from the rear property line where 30 feet is required. The area of proposed work is also within the Gateway Buffer Area where no improvements are allowed.

Seated for Application 15-2 were P. Greenberg, W. Fierer, W. Veillette, W. T. Furgueson and A. Daddona.

Presenting on behalf of this application were Michael Bonnano, Esq. and Sabrina Foulke, Point One Architects.

M. Bonnano stated that this proposal will reduce the preexisting nonconformities.

S. Foulke stated that the existing house is situated on the far backside of the property and it is in close proximity to sea wall. The existing deck is 3 feet from the seawall. The applicant would like to change the configuration of deck, allowing a buffer between the sea wall and the deck. Ann Penniman has been retained to create a landscape design which will be comprised of native grasses along the seawall. The reconfiguration of the deck will allow more area to plant. There is an existing walkway which will be reconfigured to be made up to six inches smaller. The proposed removal of the existing pavement will keep the run-off from streaming into the watershed.

S. Foulke stated that the proposed deck will be larger which will slightly increase the coverage to 14'8", however this proposal will create a reduction in the setbacks which is less nonconforming than previous.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

P. Greenberg read into the record a letter from the CT River Gateway Commission in which J. H. Torrance Downes, Sr. Planner states that the distance of the property from the main stem of the river, combined with the existing visual bulk and the openness of the proposed deck fronting the existing bulk, renders to project consistent with Gateway's mission of protection in that it will not significantly add to the existing visual bulk at the property. Gateway requested that a ZBA approval be conditioned to allow for only that tree removal which is absolutely necessary to construct the deck.

P. Greenberg read into the record a letter from Molly Osborne, 30 Hemlock Drive stating her approval of this proposal.

P. Greenberg closed the Public Hearing at 7:15p.m.

- **Application No. 15-3** on behalf of Frank and Mary Francis Readinger, 13 Curiosity Lane, Essex, CT, Assessor's Map 25, Lot 18, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow a proposed addition to a point 21 feet, 6 inches from a side property line where 25 feet is required.

Seated for Application 15-3 were P. Greenberg, M. Noto, W. Veillette, W. T. Furgueson and A. Daddona.

Robert Doane, P.E., presented on behalf of this application. The applicants are proposing an addition to the house which will encroach on the 25 foot setback by 3.4 feet. R. Doane stated that there is a proposed setback of 21.6 feet and the rationale behind the addition proposal surrounds the fact that the applicants are increasing in age and they need a ground floor master bedroom.

In order to incorporate the bedroom into the ground level of their home, the applicants would like to construct one bedroom, a bathroom, and a hallway, maintaining the architectural integrity of the building. The addition is proposed to be situated to the left side of building. Expansion to the right side of the house, which is the east side of the property, is prohibitive due to the existing driveway and garage. The sanitary system is located on the north side of the addition. The lot is 36, 991 s.f. and it does meet the coverage requirements.

The hardship relates to the accessibility of the addition. The applicants are looking for handicap accessible living situation. The narrow shape of the lot and the location and shape of the house which predates zoning also add to the hardship.

M. Wells suggested that the Board, when considering this proposal, take into account two things: Access ramps conforming to handicap requirements is a basis for a variance, and the fact that the applicants did acquire additional property to help remediate the amount of the variance they are requesting. The setback requirements were changed by virtue of purchasing additional land.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

P. Greenberg read into the record a letter from the CT River Gateway Commission in which J. H. Torrance Downes, Sr. Planner states that the proposed addition will not be visible in any significant way from either Falls River Cove or the CT River.

P. Greenberg closed the Public Hearing at 7:30p.m.

- **Application No. 15-4** on behalf of Richard and Patricia Gill, 3 Abby Lane, Essex, CT, Assessor's Map 26, Lot 29-1, VR District, requesting variances to sections 40C, 40D, 40I.1, and 60B of the Essex zoning regulations to locate a 14' by 20' accessory building to a point 9 feet from a side property line where 25 feet is required. Also, to allow the proposed expansion to increase the maximum allowed building coverage from 9% to 10.5% where 10% is the maximum coverage allowed.

Seated for Application 15-4 were P. Greenberg, M. Noto, W. Veillette, W. T. Furgueson and A. Daddona.

Richard Gill presented on behalf of this proposal. R. Gill stated that he is looking for approval to construct a 14' x 24' shed which will be approximately 17' in height. R. Gill stated that the proposed location is the only viable location on the property based on the topography of the land.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

P. Greenberg read into the record a letter from the CT River Gateway Commission in which J. H. Torrance Downes, Sr. Planner states that the proposal is insignificant in size and will not be visible from the river.

P. Greenberg closed the Public Hearing at 7:45p.m.

Regular Meeting

- **Application No. 15-2** on behalf of Bradford Carpenter and Kate McSpadden, 26 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 1, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D, 61B and 101D of the Essex zoning regulations to allow a new deck to a point 13 feet, 10 inches from the rear property line where 30 feet is required. The area of proposed work is also within the Gateway Buffer Area where no improvements are allowed.

MOTION MADE by A. Daddona to approve **Application No. 15-2** on behalf of Bradford Carpenter and Kate McSpadden, 26 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 1, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D, 61B and 101D of the Essex zoning regulations to allow a new deck to a point 13 feet, 10 inches from the rear property line where 30 feet is required. The area of proposed work is also within the Gateway Buffer Area where no improvements are allowed. This proposal presents a small encroachment on the setback. This application is approved in accordance with the February 24, 2015 CT River Gateway Commission letter which requests to allow for only that tree removal which is absolutely necessary to construct the deck. This application is approved in accordance with the plans as submitted. **SECONDED** by W. Veillette; **IN FAVOR:** W. Feirer, W. Veillette, P. Greenberg, W. T. Furgueson, A. Daddona; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-3** on behalf of Frank and Mary Francis Readinger, 13 Curiosity Lane, Essex, CT, Assessor's Map 25, Lot 18, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow a proposed addition to a point 21 feet, 6 inches from a side property line where 25 feet is required.

Discussion:

It was noted that the violation associated with this proposal is miniscule compared to the remainder of the property and the design is consistent with the American Disabilities Act (ADA) requirements. The applicant has minimized the encroachment onto the side yard and the hardship is the nature of the property

and the fact that it is sharply angled, combined with the location of the house on the property. The applicant previously purchased additional property in attempts to remediate the situation.

MOTION MADE by M. Noto to approve **Application No. 15-3** on behalf of Frank and Mary Francis Readinger, 13 Curiosity Lane, Essex, CT, Assessor's Map 25, Lot 18, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow a proposed addition to a point 21 feet, 6 inches from a side property line where 25 feet is required. The proposed design is consistent with the ADA requirements. The hardship associated with this application is the topography of the narrow lot and the house location which predated zoning. This application is approved in accordance with the plans as submitted. **SECONDED** by A. Daddona; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, W. T. Furgueson, A. Daddona; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-4** on behalf of Richard and Patricia Gill, 3 Abby Lane, Essex, CT, Assessor's Map 26, Lot 29-1, VR District, requesting variances to sections 40C, 40D, 40I.1, and 60B of the Essex zoning regulations to locate a 14' by 20' accessory building to a point 9 feet from a side property line where 25 feet is required. Also, to allow the proposed expansion to increase the maximum allowed building coverage from 9% to 10.5% where 10% is the maximum coverage allowed.

MOTION MADE by P. Greenberg to approve **Application No. 15-4** on behalf of Richard and Patricia Gill, 3 Abby Lane, Essex, CT, Assessor's Map 26, Lot 29-1, VR District, requesting variances to sections 40C, 40D, 40I.1, and 60B of the Essex zoning regulations to locate a 14' by 20' accessory building to a point 9 feet from a side property line where 25 feet is required. Also, to allow the proposed expansion to increase the maximum allowed building coverage from 9% to 10.5% where 10% is the maximum coverage allowed. The hardship associated with this proposal is based on the topography of the land which makes the proposed location the only location on the property on which to place the shed. This application is approved in accordance with the plans as submitted. **SECONDED** by M. Noto; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, W. T. Furgueson, A. Daddona; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Approval of Minutes – February 17, 2014

MOTION to approve the February 17, 2014 Minutes as presented; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, W. T. Furgueson, A. Daddona; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

New Business

There was no new business.

Correspondence and Invoices

There was no correspondence and no invoices.

Adjournment

MOTION to adjourn the meeting at 7:45p.m. to the next regularly scheduled meeting to be held on Tuesday, April 14, 2015 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by P. Decker; **SECONDED** by M. Noto; **IN FAVOR:** M. Noto, W. Veillette, P. Greenberg, W. T. Furgueson, A. Daddona; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,
Stella C. Beaudoin
Recording Secretary