



TOWN OF ESSEX  
**Zoning Board of Appeals**

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**Executive Board**

*Paul Greenberg, Chair*  
*W. T. Furgueson, Vice Chair*  
*W. Feirer, Secretary*

**Regular Members**

*Barbara Sarrantonio*

**Alternate Members**

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

Unapproved

**MINUTES**

**October 16, 2018 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, October 16, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Present and seated for the meeting were P Greenberg, B Sarrantonio, W. T Furgueson, G Wendell, R Rybak, P Beckman.

**Staff:**

Stella C. Beaudoin, Recording Clerk  
Michael Wells, Esq., Legal Counsel

Audience Members: Joe Wren, P.E., Indigo Land Design

P Greenberg, Chair called the meeting to order at 7:00 p.m.

Seated for the meeting were P Greenberg, B Sarrantonio, W. T Furgueson, G Wendell, R Rybak, P Beckman.

**1. PUBLIC HEARINGS**

No Public Hearings.

**2. REGULAR MEETING**

**Discussion and possible decision on applications:**

- **Application 18-8** A Coastal Area Management application on behalf of Matthew and Marta Collins, 17 Dickinson Lane, Essex, Assessor's Map 31, Lot 12.

A Coastal Area Management site plan review is examined by the Zoning Commission as per section 102 of the Zoning Regulations. The Coastal Area Management District is bounded by a line that is 1000 feet from the coast line. The State of CT allows Towns the right to determine their own Coastal management border. In Essex, the Coastal Management border is 1,000 feet.

This is an application that is in conjunction with the proposed single-family dwelling at 17 Dickinson Lane related to Application #18-17. The proposed dwelling is within 100 feet of tidal wetlands which subjects the proposal to CAM application and approval.

Joe Wren, P.E., Indigo Land Design who presented on behalf of this application stated that at the September 18, 2018 ZBA meeting variances were granted on behalf of **Application 18-17**, Matthew and Marta Collins, 17 Dickinson Lane, Essex, CT, Assessor's Map 31, Lot 12, VR District requesting variances to sections 40C, 40D, 40E, 40I.1, 40N, 40Q, 50D, 60B and 101D of the zoning regulations, and the Board continued the CAM application pending the DEEP's opportunity to review the plan.

In a letter dated October 12, 2018 from Susan Jacobson, Environmental Analyst, Land & Water Resources Division, CT DEEP offered comments on the coastal site plan review referenced as 1, 2 and 3 as follows:

1. Stormwater drainage was not addressed in the 3 sheets of plans dated August 24, 2018 and prepared by Indigo Land Design, LLC. The application text indicates that the reduction in impervious cover will enhance overland flow and infiltration but does not explain how.

J Wren stated that the plan shows a paved driveway that continues to the property and the large area, all asphalt, situated in front of the garage will be removed. The footprint of new building is the same as old building and a major reduction in impervious cover is proposed. There will be under 800 square feet of impervious area asphalt which will be removed.

2. The total amount of fill proposed within the floodplain is not provided and there does not appear to be justification for the volume proposed. The Commission should clarify that the fill volume has been minimized to the extent necessary to support the septic system and that compensatory storage is not warranted.

J Wren stated that there is a flood zone called out on the plan just east of the house. The fill off of the terrace and sloping down is required for the septic system and it is the minimum amount in order to make the system code compliant. J Wren noted FEMA elevation 10 and the majority of the house is outside of that line. The southeast corner is in the flood zone. J Wren stated that the CT River is tidally influenced the compensatory storage does not apply. J Wren noted that the Town does not have regulations in the tidal waterway.

3. Details of proposed pool are not provided. When available it should be confirmed that there are no discharges toward North Cove or to the adjacent tidal wetlands.

As discussed, the pool will be salt water and as such there will be less storage of chemicals. J Wren stated that insofar as back flushing, if there is excess rain water it will need to be extracted and handled by a pool surface company. J Wren stated that he has no issue if the Board were to make it a condition that there is to be no backwash into the CT river or adjacent wetlands.

J Wren stated that silt fence will be installed surrounding the site and a soil stockpile area location is referenced on the plan. The contractor will demolish the house now and leave the existing garage in place through the winter for use of construction equipment storage.

**MOTION** made by P Beckman to approve **Application 18-8** A Coastal Area Management application on behalf of Matthew and Marta Collins, 17 Dickinson Lane, Essex, Assessor's Map 31, Lot 12 with the following condition: 1) There will be no discharge from the pool toward north cove or the adjacent tidal wetlands. This Approval is based on the evidence presented and the fact that the applicant has addressed all of the issues as stated in the October 12, 2018 letter from Susan Jacobson, Environmental Analyst, Land & Water Resources Division, CT DEEP, and there were no other objections. The proposed development is in compliance with the CAM Act. The CAM request is approved as submitted as it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts; This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** P Greenberg, B Sarrantonio, G Wendell, W. T. Furgueson, P Beckman, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 6-0-0.**

### **3. NEW BUSINESS**

No new business.

### **4. OLD BUSINESS**

- Approval of the September 18, 2018 Minutes

**MOTION** made by G Wendell to table approval of the September 18, 2018 meeting Minutes; **SECONDED** by P Beckman; **IN FAVOR:** P Greenberg, B Sarrantonio, G Wendell, W. T. Furgueson, P Beckman, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 6-0-0.**

### **5. CORRESPONDENCE AND INVOICES**

There was no correspondence or submission of invoices.

### **6. ADJOURNMENT**

**MOTION** made by P Beckman to adjourn the meeting at 7:25 p.m.to the next regularly scheduled meeting which will be held on Tuesday, November 20, 2018 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by B Sarrantonio; **IN FAVOR:** P Greenberg, B Sarrantonio, G Wendell, W. T. Furgueson, P Beckman, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 6-0-0.**

Stella C Beaudoin  
Recording Secretary