

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

Stu Ingersoll, Chairman
Doug Demarest, Vice Chairman

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Regular Members

Al Daddona
Michael Noto
Paul Greenberg

Alternate Members

Lynne Faulstick
W. T. Fergusson
William Veillette

M I N U T E S

August 20, 2013 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, August 20, 2013 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Doug Demarest, Vice Chair
Al Daddona, Regular Member
Paul Greenberg, Regular Member
Michael Noto, Regular Member
William Veillette, Alternate Member

Absent Members:

Stu Ingersoll, Chair
W. T. Fergusson, Alternate
Lynn Faulstick, Alternate

Staff:

Michael Wells, Legal Counsel to the Board
Stella Beaudoin, Recording Secretary

Mr. Veillette was not seated for the meeting.

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

1. Public Hearings

- **Application 13-13** on behalf of Terry Mulcahey for Christine Gemelli at 19 Mallard Point Road, Essex, CT, Assessor's Map 71, Lot 18-1, RU District, requesting variances to sections 40E, 40I.1, 50D and 61B of the Essex zoning regulations to allow a dormer to be constructed on a garage that is within a rear and side setback area.

Terry Mulcahey presented on behalf of this application. Mr. Mulcahey stated that the applicant wishes to enlarge the existing office space above the garage. There will be no additional square footage proposed in order to add on the proposed dormer. Mr. Mulcahey stated that the hardship associated with this application is the size of the lot which is .95 acres.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Mr. Demarest closed the public portion of the meeting at 7:40 p.m.

- **Application No. 13-14** on behalf of the Essex Library Association, at 33 West Street, Essex, CT, Assessor's Map 32, Lot 21, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow an 8' x 12' shed to be located 15 feet from a front property line where 30 feet is required. Also, to allow the building coverage to increase from 33% to 33.3% where 7.5% is the maximum coverage allowed.

Wendy Matson spoke on behalf of this application. Ms. Matson stated that the applicant wishes to construct a Kloter Farms, 8'x12' shed on a concrete slab which will be situated to the rear of the library. The shed will have a single door on the parking lot side of the library. The purpose of the shed is to store the supplies for the book sales and free up the library conference room which serves as the current storage space for the book sale. There will be no electricity, no heat and no plumbing. The design and color of the shed will be in keeping with the design of the library and there is no lighting proposed in association with this shed.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application.

Barbara Burgess stated that she is on the Friends of the Library Board. Ms. Burgess spoke in favor of the application.

Walter and Regina Wiegert, 11 Grandview Terrace stated their concern over the lot coverage and the fact that a library parking lot space would be lost in order to access the shed. Ms. Wiegert stated that cars who need to access the library are currently parking on Grandview Terrace. Ms. Wiegert stated a further concern over safety issue.

Ms. Matson presented two letters in support of this proposal; Eve Potts and Louise Whiting.

There was no further public comment. Mr. Demarest closed the public portion of the meeting at 7:55 p.m.

- **Application 13-15** on behalf of Harold Reed, at 7 North Main Street, Essex, CT, Assessor's Map 47, Lot 118, VR District, requesting a variance to section 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow the replacement of a deck with a larger 8' x 10' deck within each side setback area. Also, to increase building coverage from 23.2% to 23.49% where 7.5% is the maximum allowed.

Mr. Harold Reed presented on behalf of this application. Mr. Reed stated that he wishes to replace the existing deck and the rear exit to the house. This is a main entrance into the house which the tenant utilizes to access his property. Because the run in the rise has changed with the proposal, one additional stair will be added. Mr. Reed stated that the hardship associated with this proposal is that the property is nonconforming.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Mr. Demarest closed the public portion of the meeting at 8:00 p.m.

- **Application 13-16** on behalf of John Fitzgerald, at Lot #5 on Heron Pond Road, Essex, CT, Assessor's Map 74, Lot 1-5, RU District, requesting a variance to section 40C, 40D, 40J and 61B of the Essex zoning regulations to allow a new single family dwelling to come to a height of 41' 6" where 35 feet is the maximum height allowed.

Brandon Handfield, P.E. presented on behalf of the applicant. Mr. Handfield stated that the applicant wishes to construct a single family house. There will be a 12-14 foot of existing grade change. The house will serve as a retaining wall. The house will be over 35 feet in height in areas and will be comprised of three stories. There will be a walk-out basement.

Mr. Demarest read into the record a letter from the CT River Gateway Commission stating that Gateway does not oppose this proposal.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Mr. Demarest closed the public portion of the meeting at

- **Application 13-17** on behalf of Mark P. and Maryanne Ruckes Watson, at 34 South Main Street, Essex, CT, Assessor's Map 46, Lot 48, VR District, requesting variances to sections 40D, 40E, 50D and 60B of the Essex zoning regulations to allow a 261 square foot addition that will increase the building coverage from 14.4% to 15.36% where 7.5% is the maximum coverage allowed.

Mark Watson presented on behalf of this application. Mr. Watson stated that the building coverage will in fact increase 10.4%-11.0%, which are the dimensions he has on his plan.

John Beveridge, Architect stated that he has a preliminary plan as prepared by Bob Corrigan, L.S. and that this plan was submitted to the Essex Zoning Department. Mr. Beveridge stated that as per the plan, 10.4% is the existing lot coverage.

Mr. Watson stated that there are two buildings on the property; 900 s/f, circa 1820's barn and a circa 1807 house with a 6' bump out that was installed in the 1930's. All of the bathrooms, closets, laundry and pantry are all situated in the 6' bump out space. Mr. Watson would like to make the house more livable and bring to current standards. Mr. Watson proposes to extend 8' out of the rear of the house.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Mr. Demarest closed the public portion of the meeting at 8:17p.m.

- **Application 13-18** on behalf of Myron Stacks, at 42 North Main Street, Essex, CT, Assessor's Map 27, Lot 66, VR District requesting a variance to sections 40C, 40D, 40I.1 and 60B to locate an 8' x 12' shed to a point 9 feet from a side property line where 25 feet is required. Also, to increase the building coverage from 13.2% to 13.76% where 7.5% is the maximum allowed.

Myron Stacks presented on behalf of this application. Mr. Stacks wishes to install a utility shed on crushed stone to the rear of the lot. The house which is nine feet from the property line was constructed in the 1960's. The shed will be obscured by shrubs and a fence which separates the applicant's property from the abutting property. The 8' x 12' shed will be a light taupe in color.

Mr. Demarest read into the record a letter from the CT River Gateway Commission stating that Gateway does not oppose this proposal.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Mr. Demarest closed the public portion of the meeting at 8:22p.m.

2. Regular Meeting

Decision on Application/ Deliberation – All members seated for the public hearing were seated for the regular meeting.

- **Application 13-13** on behalf of Terry Mulcahey for Christine Gemelli at 19 Mallard Point Road, Essex, CT, Assessor's Map 71, Lot 18-1, RU District, requesting variances to sections 40E, 40I.1, 50D and 61B of the Essex zoning regulations to allow a dormer to be constructed on a garage that is within a rear and side setback area.

MOTION to grant Variance to **Application 13-13** on behalf of Terry Mulcahey for Christine Gemelli at 19 Mallard Point Road, Essex, CT, Assessor's Map 71, Lot 18-1, RU District, requesting variances to sections 40E, 40I.1, 50D and 61B of the Essex zoning regulations to allow a dormer to be constructed on a garage that is within a rear and side setback area. The restriction placed on this Variance is that this space will not be used for a bedroom unless further application is made as required, to the Essex Zoning Commission and the Essex Sanitarian. The hardship associated with this application is the nonconforming lot. This Variance is approved based on the plans as submitted dated 07/17/2013. **SECONDED** by P. Greenberg; **No Discussion: IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

- **Application No. 13-14** on behalf of the Essex Library Association, at 33 West Street, Essex, CT, Assessor's Map 32, Lot 21, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow an 8' x 12' shed to be located 15 feet from a front property line where 30 feet is required. Also, to allow the building coverage to increase from 33% to 33.3% where 7.5% is the maximum coverage allowed.
- **MOTION** to grant a Variance to **Application No. 13-14** on behalf of the Essex Library Association, at 33 West Street, Essex, CT, Assessor's Map 32, Lot 21, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to allow an 8' x 12' shed to be located 15 feet from a front property line where 30 feet is required. Also, to allow the building coverage to increase from 33% to 33.3% where 7.5% is the maximum coverage allowed. The shed will be placed in the location as reflected on the diagram presented at this evening's meeting. The hardship associated with this proposal is the physical constraints of the land. This Variance is approved based on the plans as submitted, subject to the drawing of the shed as was submitted at the 8/20/2013 meeting, and the Doane-Collins Engineering modified

plan of 09/01/2006; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **No Discussion:** **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

Application 13-15 on behalf of Harold Reed, at 7 North Main Street, Essex, CT, Assessor's Map 47, Lot 118, VR District, requesting a variance to section 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow the replacement of a deck with a larger 8' x 10' deck within each side setback area. Also, to increase building coverage from 23.2% to 23.49% where 7.5% is the maximum allowed.

MOTION to grant a Variance to **Application 13-15** on behalf of Harold Reed, at 7 North Main Street, Essex, CT, Assessor's Map 47, Lot 118, VR District, requesting a variance to section 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow the replacement of a deck with a larger 8' x 10' deck within each side setback area. Also, to increase building coverage from 23.2% to 23.49% where 7.5% is the maximum allowed. In order to build the deck the applicant must construct a carrying beam. The hardship associated with this proposal is the safety issue of the deck. There is a minimum increase of the coverage. This Variance is approved based on the plans as submitted; **MADE** by A. Daddona; **SECONDED** by M. Noto; **No Discussion:** **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

Application 13-16 on behalf of John Fitzgerald, at Lot #5 on Heron Pond Road, Essex, CT, Assessor's Map 74, Lot 1-5, RU District, requesting a variance to section 40C, 40D, 40J and 61B of the Essex zoning regulations to allow a new single family dwelling to come to a height of 41' 6" where 35 feet is the maximum height allowed.

Mr. Daddona commented on the slop of the property in conjunction with the walk out basement.

MOTION to grant a Variance to **Application 13-16** on behalf of John Fitzgerald, at Lot #5 on Heron Pond Road, Essex, CT, Assessor's Map 74, Lot 1-5, RU District, requesting a variance to section 40C, 40D, 40J and 61B of the Essex zoning regulations to allow a new single family dwelling to come to a height of 41' 6" where 35 feet is the maximum height allowed. The variance is approved based on the fact that walkout basement is unfinished and will remain unfinished. The walkout is not visible from the road. The CT River Gateway Commission is not opposed to this proposal. This Variance is approved based on the plans as submitted dated 7/2/2013; **MADE** by P. Greenberg; **SECONDED** by A. Daddona; **No Discussion:** **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

- **Application 13-17** on behalf of Mark P. and Maryanne Ruckes Watson, at 34 South Main Street, Essex, CT, Assessor's Map 46, Lot 48, VR District, requesting variances to sections 40D, 40E, 50D and 60B of the Essex zoning regulations to allow a 261 square foot addition that will increase the building coverage from 14.4% to 15.36% where 7.5% is the maximum coverage allowed.

MOTION to grant a Variance to **Application 13-17** on behalf of Mark P. and Maryanne Ruckes Watson, at 34 South Main Street, Essex, CT, Assessor's Map 46, Lot 48, VR District, requesting variances to sections 40D, 40E, 50D and 60B of the Essex zoning regulations to allow a 261 square foot addition that will increase the building coverage 10.4% where 7.5% is

the maximum coverage allowed. This proposal involves a minor increase in coverage and the addition will not be visible from the street. The hardship associated with this proposal is the change in the Zoning Regulations as they relate to the 7.5% coverage requirement. This Variance is approved based on the plans as submitted and dated 7/2/2013; **MADE** by A. Daddona; **SECONDED** by P. Greenberg; **IN FAVOR:** S. Ingersoll, A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

Application 13-18 on behalf of Myron Stacks, at 42 North Main Street, Essex, CT, Assessor's Map 27, Lot 66, VR District requesting a variance to sections 40C, 40D, 40I.1 and 60B to locate an 8' x 12' shed to a point 9 feet from a side property line where 25 feet is required. Also, to increase the building coverage from 13.2% to 13.76% where 7.5% is the maximum allowed.

MOTION to grant a Variance to **Application 13-18** on behalf of Myron Stacks, at 42 North Main Street, Essex, CT, Assessor's Map 27, Lot 66, VR District requesting a variance to sections 40C, 40D, 40I.1 and 60B to locate an 8' x 12' shed to a point 9 feet from a side property line where 25 feet is required. Also, to increase the building coverage from 13.2% to 13.76% where 7.5% is the maximum allowed. The hardship associated with this proposal is the nonconforming lot and the minor increase in coverage. The proposed area on which the shed will be situated is the only location on which it can be constructed. This Variance is approved based on the plans as submitted dated 07/02/2013; **MADE** by P. Greenberg; **SECONDED** by A. Daddona; **No Discussion:** **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

3. Old Business

- Approval of Minutes – Public hearings and regular meeting July 16, 2013

MOTION to approve the July 16, 2013 meeting Minutes as presented; **MADE** by M. Noto; **SECONDED** by P. Greenberg; **No discussion:** **IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

4. New Business – There was no new business.

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

6. Adjournment

MOTION made to adjourn the meeting at 8:55 p.m. to the next regularly scheduled meeting to be held on Tuesday, September 17, 2013 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by A. Daddona; **SECONDED** by D. Demarest; **No discussion:** **VOTING IN FAVOR:** A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 4-0-0.

Respectfully submitted,
Stella C. Beaudoin
Recording Secretary