

**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

866 BOSTON POST ROAD
WESTBROOK, CONNECTICUT 06498
(860) 399-3046 • FAX (860) 399-3092

MOTIONS

MEETING MINUTES – ZBA PUBLIC HEARING – 26 MAY 2010

The Westbrook Zoning Board of Appeals met on Wednesday, May 26, 2010, in the Multi-Media Room of the Teresa Mulvey Municipal Center located at 866 Boston Post Road. Legal Notice of the Public Hearing was published in *The Hartford Courant* on 12 May and 19 May 2010.

Chairman Mark Damiani called the Hearing to order at 7:30 p.m. and introduced Board members to the public present at the Hearing. Members present were Chairman Mark Damiani, John Boehme, George Rehberg, Eve Barakos, Bonnie Hall and Alternate Richard White. Also present was Administrative Secretary Janet L. Aiken.

Chairman Damiani read the procedures to be followed at the Hearing as well as the Legal Notice of the Public Hearing.

No. 10-07 – Appeal of James Barry, owner/applicant. Property located at 40 Tarpon Avenue. Identified on Assessor's Map 2538 as Parcel 74. HDR zone. Variance requested from Zoning Regulations Section 4.33.06 (a) to allow 4'6" front setback where 25' required, and Section 4.33.06 (b) to allow 8'6" side setback where 10' required, allowing for new porch across front of house and stairs.

Alternate Richard White was seated for John Boehme.

A motion was made by Mark Damiani, seconded by Richard White, to close the Public Hearing for #10-07. The motion carried unanimously.

No. 10-09 – Appeal of Nancy & Gregg Bromley, owner/applicant. Thomas Elliott AIA, agent. Property located at 52 Sunrise Road. Identified as Assessor's Map 14 as Parcel E9. HDR zone. Variance requested from Zoning Regulations Section 2.10.07 Replacement of Non-Conforming Structure; Section 4.33.06(a) front setback to allow 10' where 25' required (beach side); Section 4.33.06(b) side setback to allow 6' where 10' required (North side); and, Section 4.33.06(c) rear setback to allow 25.5' where 35' required (East side), to remove existing 3 bedroom structure and replace with new 3 bedroom structure. Also, CAM approval needed.

A motion was made by Mark Damiani, seconded by George Rehberg, to close the Public Hearing for #10-09. The motion carried unanimously.

Respectfully Submitted,

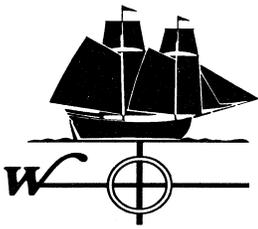
Janet L. Aiken, Administrative Secretary
Westbrook Zoning Board of Appeals

(THREE (3) micro cassette tapes were recorded for the 5/26/10 Public Hearing & Regular Meeting and filed with the Town Clerk's Office)

Janet L. Aiken, Administrative Secretary

5/31/10

Date submitted



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MOTIONS

MEETING MINUTES – ZBA REGULAR MEETING – 26 MAY 2010

The Westbrook Zoning Board of Appeals met on Wednesday, May 26, 2010, in the Multi-Media Room of the Teresa Mulvey Municipal Center located at 866 Boston Post Road. Chairman Mark Damiani called the Regular Meeting of the Zoning Board of Appeals to order at 8:10 p.m. Members present were Chairman Mark Damiani, John Boehme, George Rehberg, Eve Barakos, Bonnie Hall and Alternate Richard White. Also present was Administrative Secretary Janet L. Aiken.

DECISIONS:

No. 10-05 – Appeal of Raymond and Janet Behr, owner/applicant; Gregg Fedus, Fedus Engineering LLC, agent. Property located at Lot 17 – Pointina Road. Identified on Assessor's Map 28 as Parcel N12. HDR zone. Variance requested from Zoning Regulation Section No. 4.33.07 setback from tidal wetlands to allow 6.1' setback where 50' is required. Also, CAM approval needed. **PUBLIC HEARING CLOSED 4/28/10 DECISION CONTINUED to 5/26/10**

Alternate Richard White was seated.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to deny the application and the accompanying CAM application because the setback variance requested was excessive and was detrimental to the tidal wetlands. For: Mark Damiani, John Boehme, Eve Barakos, Bonnie Hall, Richard White; Against: George Rehberg

No. 10-07 – Appeal of James Barry, owner/applicant. Property located at 40 Tarpon Avenue. Identified on Assessor's Map 2538 as Parcel 74. HDR zone. Variance requested from Zoning Regulations Section 4.33.06 (a) to allow 4'6" front setback where 25' required, and Section 4.33.06 (b) to allow 8'6" side setback where 10' required, allowing for new porch across front of house and stairs. **CONTINUED to 5/26/10**

Alternate Richard White was seated.

A motion was made by Bonnie Hall, seconded by George Rehberg, to approve the application was presented. The motion carried unanimously.

No. 10-08 – Appeal of Elaine Erwin Matulis, owner/applicant; Thomas A. Cloutier, Esquire, agent. Property located at 534 Seaside Avenue. Identified on Assessor's Map 15 as Parcel SF5. HDR zone. Variance requested from Zoning Regulations Section 4.33.06(b) to allow 5.4' side setbacks where 10' is required, and Section 4.33.06(c) to allow 34' rear setback where 35' required, and Section 2.10.06 to allow extension or enlargement of non-conforming use and structure, to remove existing structure and rebuild in substantially the same location with the existing footprint shifted 9.17' to the south, allowing construction of a code compliant septic system on the north side of the property. Also, CAM approval needed. **PUBLIC HEARING CLOSED 4/28/10; DECISION CONTINUED to 5/26/10**

Richard White was seated.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to deny the application as being too excessive. The motion was amended to include the CAM application. The second agreed. The motion was withdrawn.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to deny the application and accompanying CAM application finding insufficient hardship and impact on the dunes. For: Mark Damiani, John Boehme, Eve Barakos, Bonnie Hall Against: Richard White, George Rehberg. It was determined that the motion failed to carry having lacked four affirmative votes.

(NOTE: A subsequent motion to deny without prejudice was made and carried unanimously, however upon further investigation, it was determined that the initial motion to deny carried with a simple majority vote and was the determining motion for this application).

No. 10-09 – Appeal of Nancy & Gregg Bromley, owner/applicant. Thomas Elliott AIA, agent. Property located at 52 Sunrise Road. Identified as Assessor's Map 14 as Parcel E9. HDR zone. Variance requested from Zoning Regulations Section 2.10.07 Replacement of Non-Conforming Structure; Section 4.33.06(a) front setback to allow 10' where 25' required (beach side); Section 4.33.06(b) side setback to allow 6' where 10' required (North side); and, Section 4.33.06(c) rear setback to allow 25.5' where 35' required (East side), to remove existing 3 bedroom structure and replace with new 3 bedroom structure. Also, CAM approval needed.

A motion was made by Bonnie Hall, seconded by George Rehberg, to grant the application and accompanying CAM as presented with the stipulation that the shed shown on the plans be removed. The motion carried unanimously.

MINUTES -

A motion was made by Bonnie Hall, seconded by Eve Barakos, to approve the Public Hearing minutes of 28 April 2010, as written. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to approve the Regular Meeting minutes of 28 April 2010, as written. The motion carried unanimously.

BILLS –

A motion was made by Richard White, seconded by Bonnie Hall, to approve the bill from Staples for \$58.98. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Eve Barakos, to approve a bill from the Hartford Courant totaling \$345.56. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve a bill from Board secretary Janet Aiken, for \$311.50. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve a bill from Halloran and Sage for \$290.00 representing one-third the charges in the Caltabiano matter. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Eve Barakos, to go into executive session. The motion carried unanimously. The Board went into executive session at 9:34 p.m. The Board came out of executive session at 9:45 p.m.

A motion was made by John Boehme, seconded by George Rehberg, to refer the matter of a permit being issued for the property at 37 Sagamore Terrace and what action could be taken to rectify the matter, to the Board's attorney, Michael Wells. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to adjourn. The motion carried unanimously. The meeting adjourned at 9:55 p.m.

Respectfully Submitted,

Janet L. Aiken, Administrative Secretary

(THREE (3) micro cassette tapes were recorded for the 5/26/10 Public Hearing & Regular Meeting)

Janet L. Aiken, Administrative Secretary

5/31/10
Date submitted