



**TOWN OF WESTBROOK  
ZONING BOARD OF APPEALS**

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**MINUTES - ZBA REGULAR MEETING – 27 July 2016**

The Westbrook Zoning Board of Appeals met on Wednesday, July 27, 2016, in the Multi-Media Room of the Teresa Mulvey Municipal Center located at 866 Boston Post Road. Chairman Bonnie Hall called the Regular Meeting to order at 9:10 p.m. following the close of the Public Hearing. Members present were Chairman Bonnie Hall, Mark Damiani, Eve Barakos and Alternates Matt Diamond, Richard White and Nicholas Alaimo. Absent were regular members Vincent Neri and Devin Xenelis. Also present was Recording Secretary Category I, Janet L. Aiken and ZEO Nancy Rudek.

**DECISIONS:**

**No. 16-017** – Appeal of Diane A. Latvís, applicant/owner. Property located at 98 Old Mail Trail. Identified on Assessor's map 195 as Parcel 033. HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.06(b)** side yard setback to allow 7'6" East and 4'10" West where 10' required, and **Section 2.10.06** extension/ enlargement of non-conforming structure, to allow two dormers on front of house to remain as is. OPENING OF PUBLIC HEARING HELD OVER FROM 6/22/16.

Discussion included the following;

- Trends
- The purpose of zoning
- Interrupts neighbor's view
- Views are not part of an application unless deeded
- Builder should have known a variance was needed
- Knew in March for the rear dormer variance
- Shed, location of shed, other items/structures in back yard
- Self created hardship
- Front dormers do not extend any further out than house
- Miscommunication?
- Zoning violations ZEO should handle
- Violations separate issue, not part of application
- High density neighborhood
- New dormers are within structure's footprint
- Reported to Land Use right away
- Intent
- Won't tip balance of neighborhood
- In harmony with neighborhood
- View not before Board
- Neighbor in March had no objection but does now
- Neighbor can look directly into dormer window from bedroom and guest room
- Could have requested at the beginning in March
- Neighbor lost opportunity to object
- Hardship??
- View not in question but rather intrusion into space
- Just because someone objects doesn't mean you have to vote in opposition

Wasn't planned in March  
 Not intended  
 Structural imposition, not view issue  
 Builder not present at hearing for testimony  
 Project needed a variance

A motion was made by Mark Damiani, seconded by Nick Alaimo, to approve as presented.

For: Eve Barakos, Nick Alaimo, Mark Damiani

Opposed: Bonnie Hall, Matt Diamond

While the motion carried by simple majority, the application was denied, failing to receive four affirmative votes necessary for the granting of a variance.

**No. 16-018** – Appeal of Guy and Cynthia Vitagliano Watson, owners/applicants; Attorney David M. Royston, agent. Property located at 127 Seaside Avenue. Identified on Assessor's map 183 as Parcel 90. HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.06(a)** front yard setback to allow 10.6' (South) and 11.8' (North) where 25' required, **Section 4.33.06( c )** rear yard setback to allow 11.8', 11.0', 5.5', 10.0' and 10.7' (North to South) where 35' required, **Section 2.10.06** extension/ enlargement of non-conforming structure and **Section No. 2.10.07** replacement of nonconforming structure, for construction of a replacement single family residence. CAM required. OPENING OF PUBLIC HEARING HELD OVER FROM 6/22/16.

Discussion included the following:

- Good job presenting to the Board
- Unique lot and situation
- New interpretation of zoning regulations adversely affects property
- CAM – no adverse impact
- Neighbor support/no objection
- Hardship created by zoning regulations
- Reduction of one of the variance requests

A motion was made by Matt Diamond, seconded by Richard White, to grant the variance as presented, along with the CAM, as hardship had been demonstrated including the application of current Regulations, the lot configuration was unique, the application had support from the neighbors, and there was adverse impact on coastal resources. The motion carried unanimously.

**No. 16-021** – Appeal of Danny Stebbins, owner/applicant. Property located at 83 Sagamore Terrace East. Identified on Assessor's map 193 as Parcel 159. HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.06(b)** side yard setback to allow 7' where 10' required, to install a 12' x 14' pergola over existing stone patio.

Discussion included the following:

- Pergola good addition to house
- Not a structure
- Accessory use of residence structure
- Garden structure
- A gazebo more of a structure
- Could put a tent on the intended location
- Small lot configuration
- Needs to be secured
- Open frame – no walls, roof

A motion was made by Richard White, seconded by Bonnie Hall, to grant the variance as presented, with the stipulation that the structure remains an open pergola with no roof, no walls and no heat. The motion carried unanimously.

ZEO Rudek noted that no building permit would be needed if under 200 square feet and therefore no inspection by the Building Official. If anchoring is necessary it should be part of the motion.

A motion was made by Richard White, seconded by Bonnie, to reopen the previous motion and add to the stipulation that the pergola be securely anchored. The motion carried unanimously.

**MINUTES:**

A motion was made by Mark Damiani, seconded by Matt Diamond, approve the amended minutes of the 6/22/16 public hearing. The motion carried unanimously.

A motion was made by Nick Alaimo, seconded by Mark Damiani, to approve the amended minutes of the 6/22/16 regular meeting. The motion carried unanimously.

**BILLS:**

A motion was made by Mark Damiani, seconded by Eve Barakos, to approve the bill from Hudson & Kilby for \$400, pending clarification of the cases for which the work was performed. The motion carried unanimously.

A motion was made by Nick Alaimo, seconded by Mark Damiani, to approve the bill from Ciel for over-sized and color prints in the amount of \$8.99. The motion carried unanimously.

A motion was made by Matt Diamond, seconded by Richard White, to approve the bill from Janet Aiken for secretarial services for \$829.60. The motion carried unanimously.

**CORRESPONDENCE:** Reviewed.

**OTHER:**

ZEO Rudek asked the Board for its interpretation whether a flat roof being raised to a peaked roof on a structure constituted a vertical expansion of a structure. The Board answered in the affirmative.

Chairman Hall noted that no Special Meetings will be scheduled a week after a regular meeting because of the difficulty getting members to attend and getting a quorum. Meetings will continue on scheduled nights until all business is taken care of regardless of the hour.

A motion was made by Matt Diamond, seconded by Eve Barakos, to adjourn. The motion carried unanimously. The time was 9:50 p.m.

Respectfully Submitted,

*Janet L. Aiken*

Janet L. Aiken, Recording Secretary Category I  
Westbrook Zoning Board of Appeals