



**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

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

MINUTES - ZBA PUBLIC HEARING - 22 SEPTEMBER 2010

The Westbrook Zoning Board of Appeals met on Wednesday, September 22, 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 9 September 2010 and 15 September 2010.

Chairman Mark Damiani called the Hearing to order at 7:33 p.m. and introduced Board members to the public in attendance. Members present were Chairman Mark Damiani, John Boehme, George Rehberg, Bonnie Hall, Eve Barakos and Alternate Richard White. Also present were Administrative Secretary Janet L. Aiken and Board Attorney Michael Wells.

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

No. 10-15 - Appeal of Michael W. Pill, applicant/agent; CK Russo Builders, owner. Property located at 688 Boston Post Road. Identified on Assessor's Map No. 25 as Parcel N44. B NCD zone. USE VARIANCE requested from Zoning Regulations No. 4.110 NCD and 4.113.03 NCD to allow 50 machines where less than 3 machines required to allow Family Entertainment Center/arcade. CAM exempt. CONTINUED FROM 8/25/10

Alternate Richard White was seated for this application.

Michael Pill was present and the Board reviewed with the applicant the discussions held at the last meeting concerning traffic issues. The Board members agreed with the email sent to Mr. Pill by the Zoning Enforcement Officer, Nancy Rudek, that issues such as crosswalks, parking areas and traffic flow are better addressed by the Zoning Commission which group the applicant would have to appear before for a Special Exception should the ZBA grant the requested variance. Mr. Pill explained that his hardship was the fact that the Zoning Regulations did not allow more than three (3) arcade machines in any one location in Town. He presented again to the Board his plan to provide 50 machines in the 4,400 square foot space, to be divided into two age group areas.

Richard White inquired into the use of the second floor above the proposed arcade location. Mr. Pill explained the second floor was not included in the proposed lease of the site. Former commercial uses at the location were reviewed: library, Good Will Industries and a beauty shop.

Patron ages were discussed with Mr. Pill who stated that parents could and probably would be coming to the location with their children to enjoy the games since the age demographic included 40 year old adults. Richard White noted that several of the games listed were for mature audiences only (Grand Theft Auto and simulated war games). Eve Barakos read

Section 12.22.01a of the Zoning Regulations regarding the criteria for granting a variance, specifically the necessity of the existence of a peculiarity to the land or building, expressing concern over a permanent stand alone use. John Boehme asked members if anyone knew why the Zoning Commission had limited the number of arcade machines in its regulations. George Rehberg stated there were more machines than three in the theater at Tanger Outlets.

From the audience Ron Lyman spoke in favor of the application and applicant, stating that the Regulations were antiquated, didn't apply to this request, that the arcade would be an asset to the Town, a Special Exception was still needed from the Zoning Commission, and that a lot of parents in Town were looking forward to a business like this to enjoy entertainment with their children. Mr. Lyman inquired that if the a variance were to be granted, could be tied to the tenant and/or lease term. Board counsel Mike Wells stated it could not, further stating a variance has no expiration for either completion or filing.

Mark Damiani read Zoning Regulations Sections 12.22.01 b, c and d, further clarifying the criteria that had to be met for a variance.

Speaking from the audience, John Dolishny from Tanger Outlets stated the movie theater has 10 to 15 arcade machines at that property.

There was no opposition.

This hearing closed at 7:59 p.m.

No. 10-19 – Appeal of Joseph E. Boccia Sr. and Lizbeth F. Boccia, owners/applicants. Property located at 16 Hammock Rd North. Identified on Assessor's Map No. 25/185 as Parcel E1/024. CB Zone. Variance requested from Zoning Regulations No. 4.65.04 B, to allow 3' where 10' required, and 4.65.04 C, to allow 6' where 20' required, to allow 4' expansion to previously granted variance #9428 to allow 10' X 22' addition to garage. CAM exempt.

Mr. Boccia was present and stated that he had been granted a variance in 1994 to build a garage with finished dimensions of 24' x **36'** x 26' high, to be at least two feet from the property line. In fact he built the garage with a finished dimensions of 24' x **30'** x 26' high and three feet from the property line to save money at the time. He was before the Board at this time to request an additional 4' in length so accomodate the 8 vehicles of the business, East Coast Boat. The garage is used for truck maintenance including transmissions, engines and rehabs. He further stated that his hardship was three-fold - lack of space on the lot due to the septic reserve area, the Town taking a portion of the front yard setback to widen the street, and that he can't find an affordable property to move to in order to accommodate the business. He further stated the addition's plans as well as the actual building would be in-house. Three photos of the site and surrounding area were submitted into the record.

Robert 'Butch' Claffey spoke in favor of the application. There was no opposition.

This hearing was closed at 8:22 p.m.

No. 10-20 – Appeal of COROC Westbrook I LLC, owner; James Outlet Center/John N. Dolishny, applicant/agent. Property located at 314 Flat Rock Place, Lot 7. Identified on Assessor's Map 38 as Parcel NB 7. TIC 65 Zone. Variance requested from Zoning Regulations No. 10.27.02 to allow 408.3' where 164' existing, 10.27.03 to allow 408.3' where 164' existing,

and 10.27.04 to allow 408.3' where 164' existing, to allow parking signage change. CAM exempt.

Mr. Dolishny was present and explained to the Board that since the outlet's construction, many of signs in the parking area have deteriorated, needing to be replaced, and that the company was looking to standardize the colors and sizes of signs at its various locations. To that end, the application was requesting an increase in the square footage and number of signs (12 to 14) presently in existence, furthering design conformity and to be visually adequate. Nine of the pole mounted signs would be 9' high for parking and bus drop off/pick locations, 4 would be pole mounted 13' high signs with tenant names, and one pole mounted 13' high sign would be directional for the rest rooms and outlet office. All would be of aluminum construction and aluminum plate. None are illuminated.

Eve Barakos expressed the need to allow for sufficient line of sight for vehicles entering and exiting the parking areas. Mr. Dolishny suggested 25' back from painted stop bars.

Bonnie Hall inquired as to the theater sign and whether it too was to be replaced. Mr. Dolishny explained that sign had fallen over a few years back and there was no plan at this time to replace it, pointing out it was not part of this application.

Clarification was made as to the number (14) and total square footage of signs (164) to be replaced, and placement. There was no public comment.

A 9/15/10 email of 'no objection' from the Town of Old Saybrook was read into the record in response to the application's referral.

This hearing was closed at 8:41 p.m.

No. 10-13 - 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 Regulations Section No. 4.33.07 setback from tidal wetlands to allow 10.0' where 50' required. CAM approval needed. APPLICATION CONTINUED FROM 8/25/10

Alternate Richard White was seated for this application. George Rehberg recused himself from this application.

The circumstances surrounding the submittal of this second application within 6 months of denial of the first application were reviewed. Board counsel Mike Wells stated that the Board was not required to hear the new application per Connecticut General Statutes, and that the Board could not reverse its own decisions. Actually being two applications now, the first was the current application essentially seeking the same relief as the first application and the question to be asked is 'what are the changes from the first application which was denied', and the second is 'was there a change of conditions which materially affects the application, new evidence, et cetera', citing the case of Vine v. Zoning Board of Appeals. He suggested proceeding with the hearing on its merits, not waiving any rights the Board may have.

Attorney Tom Cronan was present for the Behrs. He stated that (1) this was not the same application, and, (2) there has been material circumstances changes. **Exhibit #1, Vine v. Zoning Board of Appeals of Town of North Branford** was submitted into the Record at this time.

Changes made from the first application include a 10' setback from tidal wetlands , increased from the 6.1' initially requested and denied, and, a decrease in the footprint of the house, 807 square feet from the initial 849 square feet. Comparing the neighboring homes belonging to Reyes and Redmann, he refuted the claim that Lot 17 was not a building lot, would produce evidence in the context of the neighboring properties, that the engineer for the Town was satisfied with the new submitted plans, and that there was a change in the septic system design.

Attorney Mike Cronin, representing the Reyes, refuted that the new application was different and that it was essentially the same application that was denied. He further noted that no sign-off had been received on the new septic system design (also noting that septic designs are not under the ZBA's purview but rather is a zoning regulation issue), citing Section 2.10.01 of the Regulations. At this time Attorney Cronin requested that the first application's file be incorporated in its entirety into this, the second application's file, including transcripts. Attorney Cronan concurred.

Attorney Cronan noted that Section 2.10.01 did not refer to permits, and further took issue against the Westbrook Conservation Commission's illegal actions concerning this application and his clients, citing due process.

The public, commenting on the matter of significant change only, included Juan Reyes of 14 Pointina, who stated the application was a tiny bit different, but was basically the same house and that Attorney Cronan was rocking and rolling the system. Lucy Nobile of 36 Pointina expressed the same concerns.

The applicants' architect Matt Williams stated that the change from a 6.1 ' to a 10' tidal wetland setback was substantial given the size of the lot. Linda Morgan of 2 Pointina spoke stating she had to remain in the exact same footprint when her house needed rebuilding with no further intrusion in the tidal wetland setback.

Exhibit #2, variance #0338, for 2 Pointina Road, was entered into the record by Attorney Cronan. In it, the applicant asked for a variance from the tidal wetlands setback, from 50' to 2', to demolish, rebuild and expand, the existing nonconforming structure. He asked for fair treatment in the current matter for his clients, noting that the Reyes home was even closer to the wetlands than what was being proposed.

Attorney Cronin stated that under CAM, structural solutions are acceptable for an existing structure but not for the creation of a new structure.

At this time, Attorney Wells asked Attorney Cronin that if the subject lot was not permitted to be used as a building lot for a house, what would it be used for. Attorney Cronin replied that it had many uses: provided rights to the beach, rights to the Association, docking rights, sale to adjacent property owners, and value. When asked what the lot was presently used for, Attorney Cronin stated it was used by the neighbors for parking to keep cars off the narrow congested street. Attorney Wells furthered discussion stating use and not value was the issue and that ancillary uses are associated with a structure, and that this lot did not have one, summarizing then that as stated by Attorney Cronin, under the Westbrook Zoning Regulations, this lot had no use. Attorney Wells finished by saying that if what Attorney Cronin was saying was true, the situation was basically one of confiscation. Attorney Cronin stated that the lot did in fact have a value.

It was decided at this juncture for the hearing to proceed for the presentation of the applications' merits.

Exhibit #3, "Variance Application of Raymond Behr and Janet Behr - Property at 17 Pointina Road, Westbrook, Connecticut, Key Elements" was entered into the Record by Attorney Cronan.

Janet Behr spoke from the audience reading a prepared statement of the history of the lot and the chain of title, entered as **Exhibit #4-1**. **Exhibit #4-2**, advertising and newspaper articles for the original Pointina development, was submitted with Attorney Cronan noting that the lots were intended to be building lots as they were advertised as such in August 1956. **Exhibit #5**, a letter dated August 25, 2010 from Janet Behr's mother Doris Indrysek, furthering the history of Lot 17, was also entered into the Record. **Exhibit #6**, development map entitled "POINTINA, Mark L. Hagle, Shore and Water Land Developer", Lot 17 highlighted; **Exhibit #7**, executer's deed transferring ½ interest of Lot 17 Pointina from Vile to Behr; and **Exhibit #8**, quit claim deed transferring ½ interest of Lot 17 Pointina from Indrysek to Behr were also entered into the Record. **Exhibit #9**, email from Zoning Commission Attorney Mark Branse to Attorney Mike Cronin dated February 24, 2010 regarding Zoning Regulations Section 2.10.04 (Non-conforming Buildings, Lots or Uses May Be Continued) was entered into the Record as well as **Exhibit #10**, copy of assessor's map #192, dated October 1, 2009 with Lot 17 Pointina highlighted (assessor's map lot #57). **Exhibit #11**, entitled "Setback Exhibit of Lot 17-Pointina Road, Westbrook, Connecticut", prepared for Raymond H. & Janet M. Behr, dated February 1, 2010, revised 7/26/10, Fedus Engineering LLC, sheet 1 of 2, scale 1"=10' showing GREEN side yard/front yard/rear yard setbacks, and BLUE tidal wetland setback, was entered as well as **Exhibit #12**, quit claim deed from Burnham to Vile and Indrysek, dated November 4, 1964, whereby a 5 foot strip of land on Pointina Road be added to Lot 17 with the caveat that no additional structure of any kind including fences be erected within the 5 foot strip. Attorney Cronan made the point that Lot 17 had always been contemplated as a building lot, not agreeing with Attorney Cronin's accessory use argument previously made.

Attorney Cronan further stated that the prior application caused the Board to express concerns regarding the scale of the project, and that in comparison to other houses in the area, the Behr's proposed home has a smaller footprint than the neighboring two houses. **Exhibit #13**, Site Development Plan & Coastal Site Plan of Lot 17 - Pointina Road", prepared for Raymond H. & Janet M. Behr, dated June 25, 2010, revised 7/26/10, Fedus Engineering LLC, sheet 1 of 2, scale 1"=10', showing and comparing 14 Pointina Road's footprint, proposed Lot 17 Pointina Road's footprint, and 24 Pointina Road's footprint. Submitted for the Record, **Exhibit #14**, assessor's field card for 14 Pointina Road indicates a 1,412 square foot footprint or 75% greater than that proposed for Lot 17; **Exhibit #15**, assessor's field card for 8 Pointina Road indicates a 1,344 square foot footprint, or 66% greater than what proposed for Lot 17; and, **Exhibit #16**, assessor's field card for 24 Pointina Road which indicates a 1248 square foot footprint.

As further evidence regarding Lot 17's status as a building lot, **Exhibit #17**, assessor's field card of Lot 17 showing a land value of \$226,660 was compared to and stated as being in line with, the land values on Exhibits 14 through 16 of \$251,840, \$310,580 and \$338,190 (double lot) respectively, supporting Attorney Cronan's claim that Lot 17 is valued, assessed and taxed as a building lot along with neighboring properties. Attorney Cronan referring to the 1988

Supreme Court case of Grillo, the Vine case and the 2000 Giordiano(sic) case, concluding that if you substantially reduce the value, it amounts to a taking.

Exhibit #18, partial copy of 7/20/10 regular meeting minutes of the Town of Westbrook Conservation Commission, **Exhibit #19**, letter dated July 26, 2010 from the Westbrook Conservation Commission to Westbrook Zoning Board of Appeals, and multi-paged **Exhibit #20**, containing the following documents:

copies of the Westbrook Conservation Commission: 3/16/10 original agenda,
3/16/10 amended agenda,
3/16/10 regular meeting minutes (3 pages),
3/19/10 email from Chairman Tom O'Dell to Mary-beth Hart of DEP,
3/19/10 letter from Chairman Tom O'Dell to Senior Coastal Planner Mary-beth Hart
DEP,
4/28/10 letter from Cronan and Sweeney LLC to Chairman Tom O'Dell regarding
3/16/10 Conservation Commission meeting (3 pages),
and 5/11/10 letter from Chairman Tom O'Dell to Attorney Thomas Cronan (3 pages),
was also entered into the Record.

Architect Matt Williams reviewed the proposed house design, indicating that his approach included research of the regulations, neighborhood and other variances that may have been granted in the area first, then having Fedus Engineering design a septic system. The new house design shows a compressed bathroom and laundry area, and the original rear of the house's "saw tooth" design was removed. The proposed house is still two and one-half stories high, with two story structures on either side of the property. Due to its modest size, an open living floor plan is proposed.

Exhibit #21 which includes the Hagle Pointina development map marked up showing neighboring structures to Lot 17 as well as five (5) photos of the surrounding properties was placed in the record. **Exhibits #22 and #23**, Floor Plans A-1 dated 2/3/10, revised 3/22/10 and 6/28/10, and Building Elevations A-2 also dated 2/3/10, revised 3/22/10 and 6/28/10, were entered into the Record. Mr. Williams noted that in the future, he anticipated that the neighboring properties would appear much like the Behr proposal, that being largely scaled back of what currently exists, due to regulatory and environmental issues.

Gregg Fedus of Fedus Engineering LLC reviewed the septic design plan as well as the storm water control plan. He noted that compliance with the Public Health Code more or less defined the house location. **Exhibit #24**, CAM site development plan entitled "Site Development Plan & Coastal Site Plan of Lot 17-Pointina Road, Westbrook, Connecticut", prepared for prepared for Raymond H. & Janet M. Behr, dated June 25, 2010, revised 7/26/10, Fedus Engineering LLC, sheet 1 of 2, scale 1"=10', was reviewed with the Board members. Also reviewed as well was storm water management plan, the same as originally submitted with the application, showing the infiltration galleries and rain gardens. Mr. Fedus indicated that the Town Engineers', Woodard & Curran, concerns had been addressed during review. Mr. Fedus further indicated that the soil where the stone wall ends appears to be fill and not naturally occurring.

Chairman Mark Damiani inquired as to soil disturbance against the stone wall with silt fence placement and rain garden installation, to prevent leaching straight through the wall and into the wetlands instead of down.

Mr. Fedus explained that the driveway area is to be gravel, meeting FEMA requirements. He further noted that the only impervious area on the lot was that area covered by the structure itself.

The Board members had no comment at this time.

A recess was called at 10:25 p.m.

The hearing reconvened at 10:34 p.m.

Attorney Cronin representing the Reyes on the West side of Lot 17, stated that a substantive change in the plans had not been shown and that the house was still three stories. He noted that the lot was not determined to be a building lot and that Pointina was not an approved subdivision, referring to his Memorandum submitted at the time the prior application was heard. He stated that the map entered into the Record was a later map and not the original subdivision map and therefore Lot 17 does not meet the definition of a building lot found in the Regulations. He noted that Zoning Commission Attorney Branse does not agree with him. As a result, he further stated that the application needed other variances in addition to the one being sought.

Attorney Wells inquired of him why the lot would not be considered a nonconforming use since zoning regulations came in in 1956 with planning thereafter. Sections 2.10.04 and 2.10.01 were discussed.

Attorney Cronin questioned hardship and the other requirements needed to grant a variance, stating the proposal was not in harmony with the area. Referring to the Vile deed (Exhibit #7) he noted the \$10,000 paid to convey the one-half interest from Vile to Behr, stating that the amount shows that the lot is not a building lot. As for technical aspects to the application, he noted the Westbrook Conservation Commission had the right to comment on the application. (Attorney Wells noted that it was not referred to the Conservation Commission by ZBA). Attorney Cronin further noted that DEP's letter of 7/28/10 indicated that the proposal was not in accordance with CAM. When referring to Woodard & Curran's 7/23/10 letter to the Board, the Chairman noted that a later letter had been received dated 8/24/10, which the Chairman read into the Record in part, stating the applicant has addressed all previous issues.

Attorney Cronin further stated that while the proposed plan had been referred to the Sanitarian for comment, there was no approval to date, thereby violating regulatory provisions.

No one from the audience spoke in favor of the application.

Speaking in opposition was Juan Reyes of 14 Pointina who stated he had the same concerns as before, that there was no change in the proposal, that an immediate impact would be felt regarding light and air, traffic would be heavier, that the lot as is is used for parking, and that when he purchased his house in 2004, he was informed at closing that Lot 17 was not a buildable lot. He noted further that he expected the Town to honor its Zoning Regulations.

Exhibit #1-1, letter in opposition from Enda Shamash of 19 Pointina Road, was read and entered into the Record.

Kathy Redmann of 24 Pointina Road also spoke against the application, reading a statement into the Record. The statement was entered as **Exhibit #2-1**.

Tom Nobile of 36 Pointina Road spoke against the application as well stating the 50 foot tidal wetland setback existed for a reason, citing environmental issues.

Linda Morgan of 2 Pointina Road spoke against the application asking the Board to adhere to the rules and maintain consistency.

Attorney Cronan readdressed, refuting Attorney Cronin's interpretation of the Regulations regarding nonconforming lots and subdivision lots, noting that Section 2.10.01 therefore had no meaning or logic. He instead referred to Section 2.10.04 providing the ability for a nonconformity to continue. He noted that \$10,000 purchase price for the lot was not an arms length transaction and that the reasoning behind the stated purchase price was conjecture on the part of Attorney Cronin. He noted that according to owner Janet Behr, there was a right of first refusal between the parties involved although not written. He noted that DEP's concerns were more like 'henny penny - the sky is falling' and that the Woodard & Curran's concerns had been addressed. Regarding the statements made by Mr. Reyes, there was no supporting evidence, and he questioned the opinion rendered at his closing regarding the build ability of the lot. Regarding the equal treatment to everyone statement, he noted that 95% of the Reyes' home was in the tidal wetland setback and that 40-45% of the Redmann's home was in the tidal wetlands setback. He further stated that unlike the Reyes and Redmann properties, the Behr's lot 'tucked in' (curved in) where it borders the tidal wetlands. Attorney Cronan argued that the variance must be compatible with the Comprehensive Plan, that post construction runoff was less than pre construction, and that the septic system approval was a building permit issue, with no evidence presented as it being detrimental.

Janet Behr spoke indicating that on the maps of the Pointina development, boat slips were drawn in for the lots on her side of the street. She indicated that the Redmann lot at #24 Pointina had filled in the wetlands behind the house, negating an open waterway for boating activity.

Several Board members indicated interest in walking the property and extending the hearing to the next scheduled meeting was discussed. Attorney Wells indicated the Board had three decisions to make after the hearing closed at its decision meeting: (1) was the relief sought the same, (2) were circumstances different - if so, could grant the variance - and (3) the CAM application.

As to the continuance, Attorney Cronan had no objection.

A motion was made by Mark Damiani, seconded by Richard White, to continue the public hearing to the Board's next meeting of October 27, 2010 in order for the Board members to conduct a site visit. The motion carried unanimously.

The hearing closed at 11:33 p.m.

Respectfully Submitted,

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

(FIVE (5) micro cassette tape was recorded for the 9/22/10 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken, Administrative Secretary

9/23/10
Date Previously Submitted



**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

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MINUTES - ZBA REGULAR MEETING - 22 SEPTEMBER 2010

The Westbrook Zoning Board of Appeals met on Wednesday, September 22, 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 to order at 11:34 p.m. Board members present were Chairman Mark Damiani, John Boehme, George Rehberg, Bonnie Hall, Eve Barakos and Alternate Richard White. Also present were Administrative Secretary Janet L. Aiken. George Rehberg rejoined the meeting.

No. 10-15 - Appeal of Michael W. Pill, applicant/agent; CK Russo Builders, owner. Property located at 688 Boston Post Road. Identified on Assessor's Map No. 25 as Parcel N44. B NCD zone. USE VARIANCE requested from Zoning Regulations No. 4.110 NCD and 4.113.03 NCD to allow 50 machines where less than 3 machines required to allow Family Entertainment Center/arcade. CAM exempt. CONTINUED FROM 8/25/10

After brief discussion concerning the hardship stated by the applicant, a motion was made by Bonnie Hall, seconded by Richard White, to deny the variance application due to lack of hardship. The motion carried unanimously.

No. 10-19 – Appeal of Joseph E. Boccia Sr. and Lizbeth F. Boccia, owners/applicants. Property located at 16 Hammock Rd North. Identified on Assessor's Map No. 25/185 as Parcel E1/024. CB Zone. Variance requested from Zoning Regulations No. 4.65.04 B, to allow 3' where 10' required, and 4.65.04 C, to allow 6' where 20' required, to allow 4' expansion to previously granted variance #9428 to allow 10' X 22' addition to garage. CAM exempt.

After brief discussion surrounding the request for an additional 4' in length for the garage, same width and same distance from the property line, a motion was made by George Rehberg, seconded by Bonnie Hall, to grant the variance application for an additional four (4) feet thereby allowing an addition to the garage with finished dimensions of 24' x 40' x 26' high, to previously granted variance #9428, granted 12/14/94 and recorded on the Land Records in Volume 168 page 103, which variance approved a 24' x 36' x 26' high garage. The motion carried unanimously.

No. 10-20 – Appeal of COROC Westbrook I LLC, owner; James Outlet Center/John N. Dolishny, applicant/agent. Property located at 314 Flat Rock Place, Lot 7. Identified on

Assessor's Map 38 as Parcel NB 7. TIC 65 Zone. Variance requested from Zoning Regulations No. 10.27.02 to allow 408.3' where 164' existing, 10.27.03 to allow 408.3' where 164' existing, page 2 ZBA regular meeting minutes 9/22/10

and 10.27.04 to allow 408.3' where 164' existing, to allow parking signage change. CAM exempt.

The Board discussed the request specifically with regard to the need to place directional signage to allow for adequate line of sight for cars.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to grant the variance requests as presented with the STIPULATION that placement of any signage at the site be done so to allow clear and adequate line of sight for motor vehicles entering and exiting the parking areas. The motion carried unanimously.

No. 10-13 - 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 Regulations Section No. 4.33.07 setback from tidal wetlands to allow 10.0' where 50' required. CAM approval needed. APPLICATION CONTINUED TO 10/27/10

Alternate Richard White was seated for this application. George Rehberg recused himself from this application.

After discussion, a site visit was scheduled for Monday, September 27, 2010 at 5 p.m.

MINUTES:

A motion was made by George Rehberg, seconded by Bonnie Hall, to approve the minutes of the August 25, 2010 Regular Meeting..

For: Mark Damiani, George Rehberg, Bonnie Hall, Eve Barakos, Richard White
Opposed: none Abstaining: John Boehme

A motion was made by Bonnie Hall, seconded by George Rehberg, to approve the minutes of the August 25, 2010 Public Hearing.

For: Mark Damiani, George Rehberg, Bonnie Hall, Eve Barakos, Richard White
Opposed: none Abstaining: John Boehme

BILLS:

A motion was made by Bonnie Hall, seconded by Mark Damiani, to approve the bill of Administrative Secretary Janet Aiken for \$469.95. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by John Boehme, to approve the bill from the Hartford Courant for \$307.00. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the bill from Gould, Larson, Bennet, Wells & McDonnell PC for \$60.00. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Eve Barakos, to adjourn. The motion carried unanimously.

The meeting adjourned at 11:56 p.m.

Respectfully Submitted,

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

(FIVE (5) micro cassette tape was recorded for the 9/22/10 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken, Administrative Secretary

9/23/10
Date Previously Submitted