



**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

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MINUTES - ZBA PUBLIC HEARING – 24 October 2012

The Westbrook Zoning Board of Appeals met on Wednesday, October 24, 2012, 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 10 October 2012 and 17 October 2012.

Chairman Mark Damiani called the Hearing to order at 7:30 p.m. and introduced Board members to the public in attendance. Members present were Mark Damiani, Bonnie Hall, Eve Barakos and Alternates Richard White and Devin Xenelis. Also present was Recording Secretary Category I, Janet L. Aiken.

Chairman Damiani read the procedures to be followed at the Hearing. Alternates Richard White and Devin Xenelis were seated and voting for the remainder of the meeting.

No. 12-18 - Appeal of Richard & Angela Jukonski, owner/applicant; David M. Royston, Esquire, agent. Property located at 70 Captains Drive. Identified on Assessor's map 195 as Parcel 11. CB zone. Variance requested from Zoning Regulations Section No. 4.65.03 increase in building coverage from Regulations max of 20% from currently existing 1,566.6 square feet (21.2%) to 1,890.6 square feet (25.5%) to add garage on street side of property. CAM approval required.

Attorney David Royston was present as well as architect Craig Laliberte of Ivoryton, CT. Attorney Royston reviewed the application noting the house was built in 1965 when the original lot coverage maximum in the Zoning Regulations was 25% but subsequently reduced to 20%.

The architect reviewed drawings of the proposed garage addition with those present. The addition is 13.5' deep by 24' wide as the proposed garage will extend 9'3" into the basement of the house. Parking is currently located where the addition is proposed. The area above the garage will be used for attic storage only without heat and insulation. Due to grade differences from the house to the street, the floor of the existing basement has to be raised slightly. The existing stairwell will be filled in and two entrances into the garage, one on either side, are proposed, as well as an interior access from the garage into the house. This interior access is not of standard height due to the necessary raising of the basement floor due to grade. The septic and reserve area is not affected by the proposal.

Hardships claimed are the change in the Zoning Regulations and the garage addition cannot be built anywhere else on the site. Attorney Royston noted on the record that all abutting property owner notice receipts had been filed with the Land Use Office. Photos of the structure had been previously submitted to the Land Use Office by the applicant, and another photo was submitted into the record at the hearing.

As for the CAM application, Attorney Royston reviewed the same with the members, noting there was no impact on coastal resources. He further noted the proposal was consistent with the Regulations and the Comprehensive Plan of Development.

No one from the audience spoke against the application.

Speaking in favor was Rich Jukonski.

Letters in favor of the application were read into the record: John S. Schwarz MD, 66 Captains Drive, dated 10/10/12; Pilots Point Association, Inc. dated 10/19/12; Ruth and Thomas DeMaio, 72 Captains Drive, 10/12/12; Glenn R. Anderson, 67 Captains Drive, 10/21/12.

The hearing closed at 7:55 p.m.

No. 12-19 – Appeal of Mary Ann Dunn, owner/applicant. Property located at 150 Salt Island Road.

Identified on Assessor's map 182 as Parcel 085. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06 front yard setback, to allow 2'4" where 25' required, and Section No. 2.10.06 extension/enlargement of non-conforming structure, to allow replacement of existing porch with roof to alleviate weather and water damage to front of home. CAM exempt.

Speaking for the applicant was Dave Musso. He presented a revised plan from that previously presented including a better map and photos of the property and surrounding area. Only a covered porch is proposed 25' by 7'8" (195 square feet), stretching the front length of the house, to provide protection to the integrity of the structure's front windows. The lower windows facing west, while new in 1997 are submitted to sun and rain and are compromised, having been repaired 3 to 4 times due to damage. Water seepage is currently the major concern.

Mr. Musso indicated pins were located at the street side of the property allowing for a precise distance from the property line to the proposed porch of 3', and a distance of 12' from the street.

Alternate Richard White questioned Mr. Musso inquiring what the difference was between this application and the last application that had been denied., and whether what was proposed was a repair or new construction. Mr. Musso stated the difference was the omission of the handicap ramp and the porch would be new construction.

Speaking from the audience in favor of the application was Ray Dunn (son), Gary Nolan of 149 Salt Island Road, and Ann Marie Ferrara (daughter).

A letter opposed to the proposal was read into the record from Charlotte and Roderick Lynch, 158 Salt Island Road, dated 10/18/12.

Speaking from the audience refuting the Lynchs' letter was Scott Ferrara (son-in-law) noting the proposed porch was not enclosed, there was plenty of room for any future sidewalk development by the Town, and there was no view to be impeded. He also noted this was Mrs. Dunn's year round home while the Lynchs' home was seasonal.

Board members inquired whether other remedial action could be undertaken in the form of awnings or hurricane-type shutters to alleviate further compromise to the windows. It was also suggested that the windows be totally replaced with a better product and installation without the addition of the expanded porch. From the audience spoke Bill Dunn (son) who noted the porch would provide better drainage and the additional porch width was needed for pitch to adequately sheet the water from the windows.

The hearing closed at 8:24 p.m.

No. 12-20 – Appeal of Jessica M. Whelan, owner; Joseph Shea of AJ Shea Construction, applicant/agent. Property located at 28 Avenue C. Identified on Assessor's map 181 as Parcel 147. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06 side yard setback to allow 9' +/- where 10' required, and Section No. 4.33.06 rear yard setback, to allow 23' +/- where 35' required, to install in-ground pool. CAM exempt.

Joseph Shea from A J Shea Construction was present. He reviewed the application for the Board noting the property was a quarter acre and the pool was proposed to be located at the northwest corner of the lot, at the highest point and away from the neighbors, having the least impact. A 700 square foot terrace on pea stone is also proposed, not subject to the present application.

Topography was reviewed. Mr. Shea noted the proposed 540 square foot pool would provide in itself a receptacle for rainwater and the pea stone terrace is pervious so runoff was not an issue. When questioned by the Board as to its proposed location, Mr. Shea indicated that the location was also chosen by design, to line up with the existing house. He further noted that the existing 10' right-of-way was not affected by the pool location.

The Board noted that if the pool was turned the other way that a variance would not be necessary. Mr. Shea indicated it would then be located too close to the house and perhaps pose a danger to those exiting the rear of the house. He did note that the pool could be shifted over 1'.

The Board inquired as to the location of the septic system, which was noted as being under the

driveway and would not be impacted by the pool location. The members also noted no reserve area was noted on the plans.

No one spoke in favor of the application.

No one spoke against the application.

A letter in opposition was read into the record: an Affidavit with attached photos dated 10/22/12 from Loren Bisberg, son of neighboring property owner Joyce Bisberg, 43 Avenue A (aka Maple Avenue and Maple Lane).

Mr. Shea stated the concerns expressed in the Affidavit had to do with drainage issues at the convergence of three neighboring properties, one of which is the applicant's. He stated all three property owners were responsible for maintenance of the subject drainage area and that the issue was easily corrected by raking out the stones of the drainage area on a regular basis. He further noted that what currently existed to alleviate drainage issues at that corner of the properties was an appropriate remedial solution.

The hearing closed at 8:43 p.m.

No. 12-21 – Appeal of Stephen & Barbara Mason, Trustees, owners/applicants; Edward M. Cassella, Esquire, agent. Property located at 99 Second Avenue. Identified on Assessor's map 181 as Parcel 127. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(b) side yard setback, to allow 4.0' where 10.0' required, Section No. 4.33.06(c) rear yard setback, to allow 3.8' where 35.0' required, and Section No. 2.10.06 extension/enlargement of non-conforming structure, to renovate existing non-conforming garage. CAM approval required.

Attorney Ed Cassella was present as was architect Whitney Huber of JW Huber Architect LLC, Essex, CT. Attorney Cassella presented the application noting that the Board had previously granted a variance in 2011 for the house itself. This application is for the garage only, with the proposal being to rebuild on the same footprint but adding a second floor, used for storage, with no plumbing or heating, no insulation and would not be used as living space.

Mr. Huber reviewed the plans. The knee wall is proposed to be 4' in height and will provide much needed storage space since the house will be demo'd and rebuilt with a 4' crawl space. The architect said the foundation would be reused as will the walls if they do not have to be rebuilt. The 2 page garage site plans and photographs shown and submitted, dated 10/3/12, drawn by JWH, show a vertical expansion only.

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

No one spoke against the application.

Letters in favor were read into the record: Carol and Harvey Robbin, 100 Second Avenue, dated 10/19/12; Rosemary Renda, 95 Second Avenue, received 10/23/12.

Attorney Cassella added that a full set of stairs replacing the set of pull down stairs currently existing, will provide access to the storage area. Only power will be available in the outbuilding.

The hearing closed at 8:55 p.m.

Respectfully Submitted,

Janet L. Aiken

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

(ONE (1) digital CD disk was recorded for the 10/24/12 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken
Janet L. Aiken, Recording Secretary Category I

10/28/12
Date Submitted