



**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

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

MEETING MINUTES - ZBA PUBLIC HEARING - 25 AUGUST 2010

The Westbrook Zoning Board of Appeals met on Wednesday, August 25, 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 11 August 2010 and 18 August 2010.

Chairman Mark Damiani called the Hearing to order at 7:31 p.m. and introduced Board members to the public in attendance. Members present were Chairman Mark Damiani, George Rehberg, Bonnie Hall, Eve Barakos and Alternate Richard White. Also present were Administrative Secretary Janet L. Aiken and Board Attorney Michael Wells. Alternate Richard White was seated for all applications being heard.

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

A motion was made by Richard White, seconded by George Rehberg, to move **Application No. 10-13**, Appeal of Raymond and Janet Behr, to the end of the Public Hearing agenda. The motion carried unanimously.

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.

Michael Pill presented his application to the Board. The proposed location is the former site of Good Will and the library. He noted his intent to create a safe, fun and family oriented environment. No food except for snack vending machines is proposed and no structural changes are needed to the site as there currently exists two separate environs. Proposed hours of operation are noon to 8 p.m. (a hard close) 7 days a week from the end of school in June to the beginning of school in the fall (13 weeks). For the remainder of the calendar year, the facility would be open one weekday and Friday/Saturday/Sunday, again, from noon to 8 p.m. subject to change. An electrician has already cleared the building to accommodate the number of games proposed. The applicant noted external lighting exists as well as approved parking spaces for 17 cars in front and 4-5 in back (not striped).

Board questions included capacity of the building (yet to be determined by the Fire Marshall), traffic generation, food availability, adult supervision, signage, and the number of machines proposed. Mr. Pill explained that the scale of the proposal is not another "Chuckie Cheese" type business, that there exists 4 exits at the site, snack machines would be available but no cooking, one adult manager would be present with the possibility of adding another during

the summer months, full compliance with current regulations regarding signage, and that the 50 machines was a scale down from the original 75-80 machines that the game provider said the location could accommodate. He also noted on the floor plan that there was a small room where private birthday parties and gatherings could be held.

Ron Lyman spoke from the audience in favor of the application. There was no opposition.

Board discussion was held regarding the need for additional information from the applicant concerning traffic generated, sufficient parking availability, safety of kids crossing Route 1 by bike or on foot from the marinas opposite the location, the possibility of creating a cross walk for that purpose, and whether or not a regulation change with the Zoning Commission would be a better route for the applicant to take.

Ron Lyman spoke stating that if a variance was granted by the Board, the next step would be to go to the Zoning Commission to request a Special Exception, suggesting any traffic study issues and safety concerns would be addressed by that Commission.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to continue the application to the Board's September meeting in order for the applicant to gather additional information addressing the concerns of the Board. The motion carried unanimously.

Proof of abutter mailing was submitted to the Board.

No. 10-16 - Appeal of Pamela Mountford, owner/applicant. Property located at 26 Seascape Drive. Identified on Assessor's Map No. 27 as Parcel 6. HDR zone. Variance requested from Zoning Regulations No. 4.33.07 tidal wetlands setback to allow 28.5' where 50' required, and, Section No. 4.33.06(c) rear setback to allow 32.5' where 35' required, to replace and expand existing deck with terrace and roof. CAM approval needed.

Scott Mountford presented to the Board. He explained that the existing wooden deck needed replacing, that the lot was pie-shaped with the septic system on the South side of the property limiting expansion, and that the dwelling was built prior to zoning. He further explained that the proposed covered terrace was 9 x 9 which is slightly larger than the existing deck however as proposed, the terrace would solve an existing structure egress problem, and, since shifted slightly, would be less nonconforming than the current deck. Site and architectural plans were reviewed. Pavers will be used for the terrace area. Mr. Mountford further noted that the proposed terrace will be 1.1 feet lower to the ground than the deck being replaced.

CAM application was discussed with the applicant stating siltation controls will be in place and approximately 6 to 8 feet of lawn was to be disturbed, further discussing the pitch of the property.

There was no public comment.

The hearing was declared closed.

No. 10-17 - Appeal of Zdon Builders Inc., applicant; Linda Schoenfeld, owner; William Zdon, agent. Property located at 35 Lilac Street. Identified on Assessor's Map No. 187 as Parcel 033. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(a)

front setback to allow 18'4" where 25' required, and Section No. 4.33.06(b) side setback to allow 9'8" where 10' required, to square off two (2) corner triangular decks on North side of structure. CAM exempt.

Bill Zdon was present and explained the existing deck needed replacing due to rot. When originally built, the corners of the deck were angled off and the proposal was to expand them, squaring them off. The house is serviced by public water.

Angelo D'Ambrosio(sic) spoke in favor of the application.

Two letters in favor of the application were read into the record from Rosemary and Charles Slade dated 8/22/10 and Peter and Janet Dunn dated 8/25/10.

No one spoke in opposition.

The hearing was declared closed.

At this point in the hearing, Attorney Michael Cronan for applicants Raymond and Janet Behr, **Application No. 10-13**, interrupted the proceedings, and requested a continuance of the application to the Board's next meeting in September, citing the fact that only 4 voting members of the Board were seated.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to continue the application to the Board's September 22, 2010 meeting.

The Chairman indicated that due to an emergency of one member and the abstaining on a vote of the application of another member, only 4 voting members would be hearing the application at this hearing. In fairness and being the applicants' prerogative to wait until there are 5 voting members seated, the Chairman called for a vote on the motion. The motion passed unanimously.

At this time a 5 minute recess was called. The hearing recessed at 8:20 p.m.

The hearing reconvened at 8:25 p.m.

No. 10-18 - Appeal of Terry Beninson, owner/applicant. Property located at 32 Waldron Drive. Identified on Assessor's Map No. 180 as Parcel No. 168. HDR and NCD zones. Variance requested from Zoning Regulations Section No. 4.114.04(b) side setback to allow 2'5" where 15' required, and Section No. 4.114.04(c) rear setback to allow 2'5" where 30' required, to place a storage shed at the back corner of yard. CAM exempt.

Terry Beninson presented to the Board. At issue is a shed to be placed on crushed stone, to house bikes and lawn equipment. He noted he gets along with the neighbors and that there was no other place to put the shed due to the existing septic system location and a stately chestnut tree, and the dimensions of the property.

The Board raised the issue of the closeness to the neighbor's property line for maintenance purposes, gutters and water runoff, and the height of the stonewall at that end of the property.

There was no comment from the public. Proof of abutter mailing was submitted to the Board.

The hearing was declared closed.

No. 10-13 - Appeal of Raymond and Janet Behr, owner/occupant; 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' setback where 50' required. CAM approval needed. Application continued to 9/22/10 meeting.

The Public Hearing portion of the Board's meeting closed at 8:37 p.m.

Respectfully Submitted,

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

(TWO (2) micro cassette tape was recorded for the 8/25/10 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken, Administrative Secretary

8/26/10

Date Submitted



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MEETING MINUTES - ZBA REGULAR MEETING - 25 AUGUST 2010

The Westbrook Zoning Board of Appeals met on Wednesday, August 25, 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 8:38 p.m. Members present were Chairman Mark Damiani, George Rehberg, Bonnie Hall, Eve Barakos and Alternate Richard White. Also present was Administrative Secretary Janet L. Aiken.

Alternate Richard White continued being seated for John Boehme for the duration of the Regular Meeting.

DECISIONS:

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 to next meeting of 22 September 2010.

No. 10-16 - Appeal of Pamela Mountford, owner/applicant. Property located at 26 Seascape Drive. Identified on Assessor's Map No. 27 as Parcel 6. HDR zone. Variance requested from Zoning Regulations No. 4.33.07 tidal wetlands setback to allow 28.5' where 50' required, and, Section No. 4.33.06(c) rear setback to allow 32.5' where 35' required, to replace and expand existing deck with terrace and roof. CAM approval needed.

The proposed replacement of the existing deck with a covered terrace was discussed by the Board. It was noted for the record that as proposed, the terrace would be more conforming than the present deck. The Board also noted that hardship had been shown due to the existing nonconforming house and majority of the property being in the tidal wetlands buffer zone.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to approve the application as presented along with the CAM. The motion carried unanimously.

No. 10-17 - Appeal of Zdon Builders Inc., applicant; Linda Schoenfeld, owner; William Zdon, agent. Property located at 35 Lilac Street. Identified on Assessor's Map No. 187 as Parcel 033. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(a) front setback to allow 18'4" where 25' required, and Section No. 4.33.06(b) side setback to allow 9'8" where 10' required, to square off two (2) corner triangular decks on North side of structure. CAM exempt.

The Board discussed the minuteness of the application and that the deck could not be seen by any of the neighbors. A motion was made by George Rehberg, seconded by Mark Damiani, to approve as presented. The motion carried unanimously.

No. 10-18 - Appeal of Terry Beninson, owner/applicant. Property located at 32 Waldron Drive. Identified on Assessor's Map No. 180 as Parcel No. 168. HDR and NCD zones. Variance requested from Zoning Regulations Section No. 4.114.04(b) side setback to allow 2'5" where 15' required, and Section No. 4.114.04(c) rear setback to allow 2'5" where 30' required, to place a storage shed at the back corner of yard. CAM exempt.

After brief discussion, a motion was made by Bonnie Hall, seconded by Richard White, to approve the application as presented. The motion carried unanimously.

No. 10-13 - Appeal of Raymond and Janet Behr, owner/occupant; 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' setback where 50' required. CAM approval needed.

Application **CONTINUED** to next meeting of 22 September 2010.

MINUTES:

A motion was made by Bonnie Hall, seconded by George Rehberg, to approve the minutes of the 7/28/10 Public Hearing. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to approve the minutes of the 7/28/10 Regular Meeting. The motion carried unanimously.

BILLS:

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the bill from the Hartford Courant for \$139.64. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to approve the bill from Administrative Secretary Janet Aiken for \$260.28. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to approve the bill from W B Mason for supplies of \$21.99. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the bill from Halloran & Sage of \$75.00, representing the Board's one-third share of the Caltabiano matter. The motion carried unanimously.

CORRESPONDENCE:

Correspondence received was reviewed by the Board.

ANY OTHER BUSINESS

Members discussed the need for applicants to submit sufficient complete copies of applications in order for the Board members to review in detail the variance requests prior to the meeting. It was noted that Zoning Commission members each receive full application submittals.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to revise ZBA's application to reflect the necessity for 8 complete sets in order to be a complete application. The motion carried unanimously.

A motion was made by George Rehberg, seconded by Bonnie Hall, to adjourn. The motion carried unanimously.

The meeting adjourned at 8:46 p.m.

Respectfully Submitted,

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

(TWO (2) micro cassette tape was recorded for the 8/25/10 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken, Administrative Secretary

8/26/10

Date Submitted