



**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

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MINUTES - ZBA PUBLIC HEARING – 26 October 2016

The Westbrook Zoning Board of Appeals met on Wednesday, October 26, 2016 in the Multi-Media Room of the Teresa Mulvey Municipal Center located at 866 Boston Post Road after not having met since July 2016. Legal Notice of the Public Hearing was published in *The Harbor News* on 12 October 2016 and 19 October 2016.

Chairman Bonnie Hall called the Public Hearing to order at 7:30 p.m. and introduced Board members to the public in attendance. Members present were Vincent Neri, Devin Xenelis and Alternates Matt Diamond and Nick Alaimo. Absent were regular members Mark Damiani and Eve Barakos, and Alternate Richard White. Also present was Recording Secretary Category I, Janet L. Aiken and ZEO Nancy Rudek.

Chairman Hall read the procedures to be followed at the Hearing into the record. Alternates Matt Diamond and Nick Alaimo were seated for all applications.

The Chair asked that the agenda be modified to allow No. 16-023, 61 Muller Avenue, to be first.

No. 16-023 – Appeal of Marianne Winslow, applicant/owner; Robert L. Doane Jr., PE LS, agent. Property located at 61 Muller Avenue. Identified on Assessor's map 193 as Parcel 129. HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.06(a)** front setback to allow 23.53' to house where 25' required, **Section No. 4.33.06(c)** rear setback to allow 12.3' to stairs where 35' required, **Section No. 4.33.06(c)** rear setback to allow 16.23' to porch roof where 35' required, **Section 4.33.06(c)** rear setback to allow 20.43' to dormer where 35' required, **Section No. 4.33.06 (c) rear setback** to allow 32.5' to pergola where 35' required, **Section No. 2.10.06** extension/enlargement of non-conforming structure, **Section No. 8.00.03(a)** minimum lot size for an apartment, **Section No. 8.00.03(e)** ability of ZBA to vary accessory apartment regulations, and **Section No. 8.00.04(f)** enclosed fire escape/outside stairway to allow open uncovered fire escape/outside stairway, for construction of 2 dormers on existing roof, roof over existing deck, accessory apartment, open exterior stairway and pergola .

The agent for the applicants requested the hearing be held over to the next meeting in November due to a personal matter that had come up.

A motion was made by Bonnie Hall, seconded by Nick Alaimo, to continue the hearing to the next meeting scheduled for November 9, 2016 as requested. The motion carried unanimously.

No. 16-022 – Appeal of Debra A. LeConche & Robert J. LeConche, applicants/owners; Amity Construction & Design, agent. Property located at 5 Sagamore Terrace South. Identified on Assessor's map 192 as Parcel 25. HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.06(b)** side yard setback to allow 7' (house-East), 6.6' (house-East), 6' (deck steps-East), 3.6' (basement stair-East), 7.3' (house-East), 9.8' (porch -East), 9.9' (porch-East) where 10' required, **Section No. 4.33.06(b)** side yard setback to allow 4.8' (open covered porch-West), 4.4' (house-West), 3.3' (cant-West), 3.6' (house-West), 2.5' (cant-West), 4.2' (house-West), 3.7' (porch-West) where 10' required, **Section No. 2.10.06** extension/ enlargement of non-conforming structure, and **Section No. 2.10.07** replacement of nonconforming structure, to demolish existing structure and rebuild new structure. CAM required. OPENING OF PH HELD OVER FROM 7/27/16

Russ Smith from Amity Construction & Design of Old Lyme presented the application to the Board.

He explained that the owners had owned the property since 1973, that the site contained 9,100 square feet with two angled property lines, that the house was built circa 1900, and that the house was two stories, built on wood piers and was 2,014 square feet. There was also a detached garage on site. The site is serviced by city water and has a septic system. Many non-conformities exist including but not limited to structure setbacks, lot size, frontage, coverage and setbacks. On the East side of the site, the house is built over the property line intruding into the neighboring property. The existing structure currently sits at a 15 elevation.

The rebuilding of the house as proposed will elevate it to 18.67 feet, reduce the coverage, eliminate the property line encroachment and reduce the non-conforming garage setback. Mr. Smith indicated there was an error on the submitted site plan chart regarding the front setback which he corrected, signed and dated on the file copy. Hardship was expressed as being an odd shaped lot (unique shape), the house being built prior to zoning and the lot laid out also prior to zoning. The new house will be wind load compliant thereby lessening debris distribution and the above ground oil tank will be removed replaced by an in ground propane tank. There will also be no increase in runoff than what exists now. A full basement is proposed housing mechanicals, FEMA compliance will be followed, two stories plus an attic for storage only (insulation placed between the attic floor and the second story ceiling), and the existing four bedrooms replaced with five. Brief inquiry and discussion took place regarding flood plain placement.

The CAM was reviewed at this time. A roof porch as well as an open porch in front is proposed. Livable space in the proposed dwelling will be 2,125 square feet on the first floor (existing is 2,306 square feet) and on the second floor 1,400 square feet both existing and proposed.

Questions from the Board included whether the house is currently year round (yes), what the proposed height of the structure will be (under 35 feet), if the house is to be shingled (yes), and if there will be elimination or reduction in existing non-conformities (yes).

Form letters in favor of the application were submitted and read into the Record from Rick Cuprsano(sic) with no address given, Richard Cersosimo of 6 & 10 Sagamore Terrace, Salamone(sic) Relasso(sic) LLC of 23 Smiths Neck Road, Ross Griffith of 257 Bluff View Drive, S.R. Griffith of 1 Old Salt Works Road, and Patti Pessoni of 200 Old Salt Works Road.

From the audience speaking in favor was Michael Tutao of 55 Muller Avenue.

No one from the audience spoke in opposition from the audience. A letter in opposition dated 8/15/16 from Neil Carrano of 11 Sagamore Terrace South was read into the Record.

Russ Smith readdressed at this time.

Board members had additional questions including if the lot could accommodate a 35 foot wide home (yes; the new structure as proposed is 30 feet +/- wide with added extensions i.e. Bilco door, et cetera), the house will be pulled back from the lot line it encroaches (yes), the existing the house is still standing and not demolished (yes), and the number of full baths existing (4).

Owner Robert LeConche spoke from the audience clarifying a previous statement made concerning the number of bedrooms. He stated there were 5ive bedrooms existing and the new structure will also have five bedrooms. Russ Smith noted that the Assessor's card in the application shows four bedrooms.

The Board inquired which house Mr. Carrano lived in according to the photos used during the presentation. Mr. Smith stated it was to the East of the subject property. Members commented on the large size of the Carrano home. The Chair requested that the photos used by the presenter be left for the file. Eight photos were submitted labeled Exhibits 1 through 8.

The hearing closed at 8:15 p.m.

No. 16-024 – Appeal of Joe Boccia (Hammock Rentals LLC), applicant/owner. Property located at 306 Hammock Road North. Identified on Assessor's map 175 as Parcel 051. MDR zone. Variance requested from Zoning Regulations **Section No. 4.23.06(a)** front setback to allow 15' where 25' required, for placement of 12' by 14' shed.

Mr. Boccia was present for the presentation. He explained that he had applied for and received a building permit for the shed's present location when it was pointed out to him that it encroached a property

line. The property location has two front yards and two side yards since it is a corner lot which was not acknowledged at the time the permit was issued. He noted that there was no other location to situate the shed due to wetlands in the rear of the site, the septic reserve area, the sloping nature of the lot and a pipeline located on the property. Exhibit 1 was submitted, one page with three photos of the house. The shed is on stone and needs to have anchors installed for wind stabilization.

From the audience in favor of the application was Ms. Munson who currently lives at the location. Two letters in favor were read into the Record: Andrew and Gina Davine of 34 Meadowbrook Road undated and Veronica Matthews and Howard Meck of 287 Hammock Road dated 10/27/16.

No one spoke in opposition to the application however a letter was read into the Record from Robert Furno of 13 Meadowbrook Road Extension dated 10/24/16 in opposition.

The applicant stated that the stone wall shown on the map in the file was on his property and that the shed was behind it. The Chair noted that the shed's location would have to be verified being at least 15 feet from the property line.

The hearing closed at 8:35 p.m.

No. 16-025 – Appeal of Joan Dunham, owner; Donald C. Gessick Jr, LS, applicant/agent. Properties located at 6 and 16 Brookside Avenue West. Identified on Assessor's map 182 as parcels 164 and 165. HDR zone. Regarding 6 Brookside Ave West, variance requested from Zoning Regulations **Section No. 4.33.02** minimum lot area to allow 7,010.66 square feet where 15,000 required, **Section No. 4.33.06(a)** front yard setback to allow 4.7' radial to garage where 25' required, **Section No. 4.33.06(a)** front yard setback to allow 16.5' radial to house where 25' required, **Section No. 4.33.06(a)** front yard setback to allow 21.9' radial to house where 25' required, **Section No. 4.33.06(b)** side yard setback to allow 3.5' to garage where 10' required, and **Section No. 4.33.06(b)** side yard setback to allow 6.7' to garage where 10' required. Regarding 16 Brookside Ave West, variance requested from Zoning Regulations **Section No. 4.33.02** minimum lot area to allow 4,357.96 square feet where 15,000 square feet required, **Section No. 4.33.06(a)** front yard setback to allow 16.3' to house where 25' required, **Section No. 4.33.06(b)** side yard setback North to allow 2.1' from shed where 10' required, **Section No. 4.33.06(b)** side yard setback North to allow 1.5' to shed where 10' required, **Section No. 4.33.06(b)** side yard setback South to allow 7.4' to house where 10' required and **Section No. 4.33.06(c)** rear yard setback to allow 4.8' to house where 35' required, for lot line revision.

The Chair prefaced the start of the presentation by explaining to the members most of the variances asked for were not necessary and therefore not required.

Ms. Dunham presented to the Board. She explained she has owned the lots for 38 years and always thought the property was one lot since she received only one tax bill. Recently she discovered that the property was actually two separate lots with the property line running down the center of the garage. A shed is also located on the parcel and she wishes it be part of the house lot since she wishes to sell that lot. The address 6 Brookside is also bounded by two streets (corner lot).

Several questions were asked of her by the Board including if a map dividing the two lots has been filed (not yet) and if she had any objection moving the 10' x 10' shed on the house lot so as to conform to the regulation setback (no). Seven letters in favor of the application with varied dates were submitted for the Record and read by the Chair: Mary Visone of 50 Brookside East, John M. Morracella & Jan Ambrurso(sic) of 13 Quantonset Lane, Angela M. Cusano with no address given, Peter J. Privitera of 10 Brookside Avenue East, Henry J. McGarry of 16 Brookside Avenue East, Michael & MaryJo Biedrzycki with no address given, and Walter Lacz with no address given.

No one spoke for or against the application from the audience.

The hearing closed at 8:50 p.m.

No. 16-026 – USE Variance request of Jennifer Scott, applicant/agent; Al Redway, owner. Property located at 174C Boston Post Road. Identified on Assessor’s map 187 as Parcel 152. NCD zone. USE Variance requested from Zoning Regulations **Section No. 4.113.05(c)** prohibited uses, to allow barbershop/beauty salon.

Jennifer Scott was present for the application. She explained to the Board that she had originally been granted a variance for her present location but wishes to move to another location. JP’s Barbershop will remain as it was set up in the old location – two stations, no hair washing, same hours. The new location at 174C Boston Post Road offers more parking plus handicap access to the shop.

No one from the audience spoke either in favor or in opposition of the application.

Three letters in support were read into the Record – Leonard Goldberg co-owner of Lenny & Joe’s Fish Tale dated 10/13/16, Duane W. Brookes of 254 Old Kelsey Town Road dated 10/12/16, and Larry Rose of 277 Old Kelsey Point Road dated 10/7/16.

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