



**TOWN OF WESTBROOK  
ZONING BOARD OF APPEALS**

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

**MINUTES - ZBA REGULAR MEETING – 14 December 2011**

The Westbrook Zoning Board of Appeals met on Wednesday, December 14, 2011, 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 8:53 p.m. following a brief recess of the Public Hearing portion of the meeting. Members present were Bonnie Hall, Mark Damiani, Vincent Neri, Eve Barakos and Alternate Richard White. Also present was Administrative Secretary Janet L. Aiken and ZEO Nancy Rudek.

**DECISIONS:**

**No. 11-22** - Appeal of The Lee Company, owner/applicant; Matthew White, P.E., agent. Property located at 2 Pettipaug Road. Identified on Assessor's map 49 as Parcels 017, 018 and 019, and on Assessor's map 50 as Parcels 006 and 036. LI zone. Variance requested from Zoning Regulations Section No. 4.74.04 front yard setback, to allow 15.6' where 40' required; Section No. 4.74.05 residential district setback, to allow 15.6' where 75' required; and, Section No. 10.04.01e landscaped islands and parking spaces, to allow construction of a pump station to adequately supply the necessary volume and pressure for the construction of new Building 9 and expansion of existing Building 3, and a new maintenance garage/storage building, along with associated access drives and parking facilities. CAM exempt.

Alternate Richard White was appointed to decide on this application.

The members agreed that the Company had several options available to it, the one presented being the optimum. The members also agreed that the majority of public questions and comments concerned zoning and should be addressed to the Zoning Commission in January 2012 when approval for a Special Permit will be sought by the Lee Company. It was also noted that approval was needed from the Inland Wetlands Commission. Members reiterated that approval for the pump house was not before this Board, but rather the variance of two Regulation sections so that the Special Permit could go to hearing. Since the pump house would be used in a fire event only, it would be of benefit to the neighborhood as well as the business. The proposed pump house location is at the lowest elevation of the site for maximum water pressure and landscaping buffers will be provided.

A motion was made by Bonnie Hall, seconded by Richard White, to grant the variances as presented as adequate hardship had been demonstrated. The motion carried unanimously.

**No. 11-23** – Appeal of Stempien Realty Trust, owner; Zdon Builders Inc, applicant, William Zdon, agent. Property located at 48 Elm Avenue. Identified on Assessor's map 196 as Parcel 005. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(a) front yard

setback, to allow 7.9' where 25' required, Section No. 4.33.06(b) side yard setback, to allow 7.2' where 10' required, and Section No. 4.33.06( c ) rear yard setback, to allow 25' +/- where 35' required, to allow raising of the existing house to meet flood elevation code, remove existing garage, and construct new addition. CAM required. CONTINUED TO 1/25/2012

**MINUTES:**

A motion was made by Bonnie Hall, seconded by Richard White, to approve the minutes of the 10/26/11 Public Hearing. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Richard White, to approve the minutes of the 10/26/11 Regular Meeting. The motion carried unanimously.

**BILLS:**

A motion was made by Mark Damiani, seconded by Richard White, to approve the bill from Janet Aiken for secretarial services of \$372.25. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Richard White, to approve the Hartford Courant bill of \$343.68. The motion carried unanimously.

After discussion, a motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the bill from Halloran & Sage of \$5,500 for defense in the appeal of Barton v. ZBA. The motion carried unanimously. Members requested the Chair question the billable hourly rate to make sure it is on par with the Planning Commission, that the firm furnish ZBA with a ballpark figure of total cost, at what stage the appeal currently was and if the firm could provide in time blocks the route and time frame the appeal should follow.

**Correspondence:**

Correspondence was reviewed. Members would like an update on the Lorenson Toyota matter. The Chair will meet with the ZEO to discuss.

**Other Business:**

Terms of office were reviewed and Richard White was reminded to send a letter to the Board of Selectmen requesting another term as alternate.

Due to John Boehme's absence, discussion of officers will be taken up at the January 2012 meeting.

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

The regular meeting adjourned at 9:37 p.m.

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

(TWO (2) micro cassette tape was recorded for the 12/14/11 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

*Janet L. Aiken*  
Janet L. Aiken, Administrative Secretary

12/21/11  
Date Submitted