



**TOWN OF WESTBROOK  
ZONING BOARD OF APPEALS**

866 BOSTON POST ROAD  
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**MINUTES - ZBA PUBLIC HEARING – 28 May 2014**

The Westbrook Zoning Board of Appeals met on Wednesday, May 28, 2014, 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 15 May 2014 and 21 May 2014.

Chairman Mark Damiani called the Hearing to order at 7:32 p.m. and introduced Board members to the public in attendance. Members present were Bonnie Hall, Vincent Neri, Eve Barakos, Devin Xenelis and Alternates Richard White and Mindy Gordon. Also present was Recording Secretary Category I, Janet L. Aiken.

Chairman Damiani read the procedures to be followed at the Hearing into the record.

**No. 14-12** – Appeal of Richard Willard, applicant; Westbrook Holdings, owner. Property located at 2000 Boston Post Road. Identified on Assessor's map 180 as Parcel 004. NCD zone. Variance requested from Zoning Regulations Section No.10.27.03 single business sign to request 19 sq. ft. where 16 sq. ft. max allowed, Section No. 10.27.01 sign illumination to request 13 ft. where 8 ft. max allowed, and Section No. 2.10.06 extension/enlargement of non-conforming use/structure, to replace sign. CAM exempt.

Mr. Willard was present. He explained he had placed a decal over the old 12 square foot 4' X 3' sign but due to poor visibility from the road, the letters are too small to be seen. The sign is also located in the middle of the parking lot due to installation of sidewalks, with the business itself buried behind two billboards. He provided a mock-up of the 5.6' X 4' sign proposed. The new "lollypop" sign is proposed to be higher to prevent trucks and cars from hitting it. Discussion included the request for illumination which he said he had not asked for. Due to a Scribner's error, the request should have been for a variance to Section No. 10.26.01 sign height to request 13 ft. where 8 ft. max allowed, and not Section 10.27.01. Mr. Willard noted that illumination would be nice but that he is not requesting that at this time.

There was no comment from the audience.

The hearing closed at 7:47 p.m.

**No. 14-13** – Appeal of Frances Antonacci, owner; Thomas Froment, applicant/agent. Property located at 212 Magna Lane. Identified on Assessor's map 183 as Parcel 022. MDR zone. Variance requested from Zoning Regulations Section No. 4.23.06(b) side yard setback to allow 1' where 15' required, for storage shed/generator enclosure. CAM exempt.

Mr. Froment was present for his sister, applicant Frances Antonacci. He noted that he obtained a permit for the generator and that it's installation along with a buried 1000 gallon propane tank had already been approved by the Building Department. What is being applied for now is an enclosure/shed to house the generator with outside furniture and grill storage capabilities plus enough room inside to perform maintenance functions. The concept is for the enclosure to take on the appearance of the house, and its location is along the side line by the stone wall for aesthetic reasons.

The Board members asked if he would consider erecting the enclosure closer to the house leaving a 7' setback from the side yard instead of 1' as there was room. Mr. Froment indicated that the enclosure was planned at the proposed location to "match" locations of other garages and sheds in the area. Changes to the access doors configuration were discussed to allow for the 7' setback. Richard White asked if the enclosure/shed could be moved to another portion of the property so that a variance would not be needed at

all. Mr. Froment indicated that he was unaware that any variance would be needed until after the generator's installation along with the electrical and propane piping, and that considerable funds had already been expended

There was no comment from the audience.

The hearing closed at 8:10 p.m.

**No. 14-14** – Appeal of Robert Tetrault, owner/applicant. Property located at 31 Mels Road. Identified on Assessor's map 184 as Parcel 017. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(a) front yard setback to allow 11' where 25' required, Section No. 4.33.06(c) rear yard setback to allow 26' where 35' required, Section No. 4.33.07 tidal wetland buffer to allow 29' where 50' required, and Section No. 11.00.05 reduction/waiver of regulated tidal wetland setback to allow 29' where 50' required, for 12' X 16' shed. CAM exempt.

Mr. Tetrault was present. The applicant stated the old 8' X 10' metal shed was on the property when he purchased the property and he wishes to replace it with a 12' X 16' shed, keeping the same side yard setback as the old shed. His hardship was stated as needing additional storage for his tools and equipment, and that his cottage had no basement and little storage space available. He also indicated that the lot was very small and there was no other place to put it.

There was no comment from the audience.

The hearing closed at 8:16 p.m.

**No. 14-15** – Appeal of Milford & Patty Loomis, owner/applicant; Russell Campaigne, agent. Property located at 69 Post Avenue. Identified on Assessor's map 183 as Parcel 209. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(a) front yard setback to allow 5.7' where 25' required (building), Section No. 4.33.06(a) front yard setback to allow 1.5' where 25' required (stair), Section No. 4.33.06(b) side yard setback to allow 4.8' where 15' required, Section No. 4.33.06(b) side yard setback to allow 5' where 10' required (shed), Section No. 2.10.06 extension/enlargement of non-conforming use/structure, and Section No. 4.33.06(c) rear yard setback to allow 5' where 35' required (shed), to raise and rebuild existing structure to FEMA standards. CAM exempt.

Agent Russell Campaigne, architect from CK Architects in Guilford, was present, as well as the owners, Milford and Patty Loomis. Mr. Loomis indicated the house was purchased in 1930 after the 1911 structure had been built and moved on to the present site. He and his wife are looking to move to Westbrook permanently year round. Agent Campaigne noted the structure has a brick foundation and further noted the structure predates zoning and is not in compliance with FEMA standards or building codes. As proposed, the house will be raised 3', the South side will be less non-conforming, additional living space is proposed on the North side, the driveway will be reshaped, the floor system will be increased by 3", the shed roof will be changed to gable and the front stairs are required by FEMA. **Exhibit 1**, 4 photos of the structure, was submitted into the record. The proposed shed will have no foundation but will be secured to the site, and its necessity was due to the loss of the present partial basement area under the kitchen per FEMA. The shed's proposed location is also due to the location of the septic which has another 20 years of estimated life and is not being replaced. The 5' setback for the shed is being requested under Section 8.01.03 but is not shown on the application. The attic area will be used for the mechanicals and extra sleeping space. The height of the finished structure is just under the 35' maximum.

Speaking from the audience in favor of the application was Lynn Gildersleeve of 75 Post Avenue, reading a statement into the record. Letters in favor of the application were read into the record: dated 5/5/14 from Joan Duquette-Aresco of 76 Post Avenue, dated 5/2/14 from Mary W. Duquette of 74 Post Avenue and dated 5/14/14 from David Carey of 70 Post Avenue.

No one spoke in opposition of the application.

Board questions included whether a shed existed on the property now (no), and if it could be placed elsewhere on the property (no). The agent indicated there was no other conforming location to place a shed, and that the State needed to waive the distance to the galley for its proposed location. The agent also

indicated the proposed living space of the house will be 1890 square feet.

The hearing closed at 8:42 p.m.

**No 14-16** – Appeal of Wyatt & Heidi Teubert, owners/applicants; J W Flower Architects, agent. Property located at 209 Salt Island Road. Identified on Assessor’s map 182 as Parcel 112. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.02 lot area to allow 1,638 sq. ft. where 15,000 sq. ft. required (no change), Section No. 4.33.03 frontage to allow 25.80’ where 80’ required (no change), Section No. 4.33.05 max coverage to allow 65.3% where 25% max allowed, Section No. 4.33.06(a) front yard setback to allow 0’ where 25’ required (no change), Section No. 4.33.06(b) side yard setback (West) to allow 0’ where 10’ required, Section No. 4.33.06(b) side yard setback (East) to allow 1.28’ where 10’ required, and Section No. 4.33.06(c) rear yard setback to allow 11.98’ where 35’ required, to raise and expand the volume of existing house to meet FEMA standards. CAM required.

Jeff Flower of JW Flower Architects was present. Mr. Flower requested the Hearing not be opened until the Board’s June meeting. Amended plans have submitted to the Town settling a dispute with Land Use over the Town’s interpretation of front and rear setbacks. He also noted an error in the legal notice whereby “Section No. 4.33.06(c) rear yard setback to allow 11.98’ where 35’ required” should read “Section No. 4.33.06(c) rear yard setback to allow 1.48’ where 35’ required” and will be re-advertised as such.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to continue the opening of the public hearing until June 25, 2014 meeting. The motion carried unanimously.

**No. 14-17** – Appeal of Diane Edwards, owner/applicant; Attorney Edward M. Cassella, agent. Property located at 500 Pond Meadow Road. Identified on Assessor’s map 160 as Parcel 006. RR zone. **USE** Variance requested from Zoning Regulations Section No. 8.00.03(b), Section No. 8.00.03( e ) and Section No. 8.00.03(f) for accessory apartment in detached garage. CAM exempt.

Attorney Cassella was present indicating he had sent an email to the Land Use Office requesting the public hearing not be opened until the Board’s next meeting of June 25, 2014. The Board agreed and this application’s hearing will open at the June 2014 meeting.

The public hearing portion of the meeting closed at 8:50 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 5/28/14 Public Hearing & Regular Meeting and filed with the Town Clerk’s Office).

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

6/2/14  
Date Submitted