



**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

866 BOSTON POST ROAD
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MINUTES - ZBA REGULAR MEETING – 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. Chairman Mark Damiani called the Regular Meeting to order at 8:51 p.m. Members present were Vincent Neri, Bonnie Hall, Eve Barakos, Devin Xenelis and Alternates Richard White and Mindy Gordon. Also present was Recording Secretary Category I, Janet L. Aiken.

DECISIONS:

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. 10.26.01 sign height 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.

The members indicating that the applicant's hardship was clear including the sidewalk and billboard issues, and that he was not seeking a variance for sign illumination, a motion was made by Bonnie Hall, seconded by Devin Xenelis, to grant the variance as presented. The motion carried unanimously.

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.

The Board discussed the issues in that the generator has already been installed and the hardship claimed by the agent was more line of sight issues, also agreeing that the enclosure could be moved closer to the house increasing the setback to 7' rather than 1'. Also noted was the Town's error in issuing a permit for the generator and that the requested enclosure was not just for housing the generator.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to grant the variance with the stipulation its placement will be 7' from the side yard. The motion carried unanimously.

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.

Discussion included not knowing if a previous variance had been granted to place the existing shed in its present location, that if the old shed was replaced like for like with a new one a variance might not be necessary, that the applicant wasn't optimizing space and it could be located elsewhere, and that it was not the minimum variance requested to alleviate the situation.

A motion was made by Vincent Neri, seconded by Bonnie Hall, to deny the application for lack of hardship. The motion carried unanimously.

No. 14- 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.

Safety issues were discussed as the house sits close to the road, that the proposed house sits almost in the existing footprint, that the shed will be anchored, that the only expansion is up, and that the minimum variance was being requested. A motion was made by Bonnie Hall, seconded by Devin Xenelis, to grant that variance as hardship had been demonstrated and the minimum variance was being requested. The motion carried unanimously.

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.

The opening of the public hearing will be at the Board's next meeting on June 25, 2014.

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.

The opening of the public hearing will be at the Board's next meeting on June 25, 2014.

Minutes:

A motion was made Mark Damiani, seconded by Bonnie Hall, to approve the amended minutes of the 4/23/14 public hearing with changes. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the amended minutes of the 4/23/14 regular meeting. The motion carried unanimously.

Bills:

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the bill from Richard White for \$86.75 for conference expenses. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the bill from the Hartford Courant for \$413.92. The motion carried unanimously.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the bill from Janet Aiken in the amount of \$412.02 for secretarial services. The motion carried unanimously.

Correspondence: Reviewed.

Other Business:

Richard White provided the members with his comments regarding the Zoning Commission proposal for a Zoning Regulations amendment concerning CAM applications, forwarded to Land Use on 5/21/14. After careful study and consideration, it was Mr. White's opinion that the ZBA should continue CAM reviews where applications for a variance for non-exempt activities are fully or partially within the coastal boundary; and, that these approvals or modifications of the coastal site plans be deemed "preliminary or provisional."

A motion was made by Mark Damiani, seconded by Bonnie Hall, to adjourn. The motion carried unanimously.

The meeting adjourned at 9:28 p.m.

Respectfully Submitted,

Janet L. Aiken

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

(ONE (1) digital disk was recorded for the 5/28/2014 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