



**TOWN OF WESTBROOK  
ZONING BOARD OF APPEALS**

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**MINUTES - ZBA PUBLIC HEARING - 22 June 2011**

The Westbrook Zoning Board of Appeals met on Wednesday, June 22, 2011, 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 8 June 2011 and 15 June 2011.

Chairman Mark Damiani called the Hearing to order at 7:340 p.m. and introduced Board members to the public in attendance. Members present were John Boehme, Bonnie Hall, Mark Damiani, Eve Barakos, and Alternates Richard White. Alternate Vincent Neri arrived at 7:43 p.m.. Also present was Administrative Secretary Janet L. Aiken.

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

**No. 11-07** - Appeal of Alliance Energy, applicant/owner; Belal (Bill) Basatna, agent. Property located at 198 Essex Road. Identified on Assessor's Map 166 as Parcel 028. TIC-65 zone. Variance requested from Zoning Regulations Section No. 4.13.6( c ) to allow rear yard setback of 21' where 50' required, to locate 8' x 8' storage shed. CAM exempt. CONTINUED FROM 5/25/11

Mr. Basatna was present. Evidence of mailing to abutting property owners was verified. He explained that the storage shed was needed because the existing shed is shared between himself and the Dunkin' Donuts business on the site. Space is getting tighter as Dunkin' Donuts wishes to place additional equipment inside the building, and both Coke and Pepsi deliver 70 cases of soft drinks each per month to him and there's no place to store it.

(Alternate Vincent Neri was seated for this application.)

The proposed shed is 7.5' x 8' and is of vinyl construction to be placed on a 10 x 8' concrete pad and next to the trash bin. The shed will have no utilities.

There was no comment from the audience.

The hearing closed at 7:46 p.m.

**No. 11-09** - Appeal of Enedina and Eugenio Jimenez, applicant/owner; Angela Cole, agent. Property located at 207 Pettipaug Road. Identified on Assessor's Map 58W72 as Parcel 149/016. RR zone. Use Variance requested from Zoning Regulations Section No. 4.03.07( a ) and Section No. 4.01.00 to allow existing playhouse/shed to house mini horses. CAM exempt. CONTINUED FROM 5/25/11

Angela Cole and Enedina Jimenez were present. Evidence of mailing to abutting property owners was verified.

Ms. Cole told the Board the shed had been in its present location for over 20 years and that the 3 mini horses have been there for over 8 years, shortly after their birth. She told the Board they each weigh less than 250 pounds and are slightly larger than her own Saint Bernard. She furnished the Board with a copy of a recent Rhode Island court ruling that mini horses are pets and not livestock. She indicated that several other states have made the same ruling.

(Alternate Richard White was seated for this application).

Technical questions arose when it was discovered the zone on the application was incorrect and so therefore the variance requests from the noted Zoning Regulations sections were also incorrect. So as to not incur further cost to the applicant, the Board continued the application to it's next meeting of July 27 so that the application could be correctly advertised. The applicant was advised to go to the Land Use Office and revise/amend the application with the correct information, and to re-notify the abutting property owners.

The Board had some discussion over what constitutes a pet, an exotic pet, livestock, minimum acreage of the zone and the grand-fathering of existing structures. The Chairman will seek the advice of Board counsel, Michael Wells, as to the grand-fathered status of a structure and determination of livestock vs. pet issue.

A motion was made by Eve Barakos, seconded by Bonnie Hall, to continue the hearing until July 27, 2011. The motion carried unanimously.

**No. 11-11** - Appeal of Kathleen and Joseph Kelemen, applicant/owner. Property located at 167 Westbrook Heights Road. Identified on Assessor's Map 37 as Parcel W20 41. MDR zone. Variance requested from Zoning Regulations Section No. 4.23.06( c ) to allow rear setback of 3' where 35' required for above ground pool. CAM exempt.

Kathy Kelemen was present and mailing to abutting property owners was verified. She explained that the house was built in 1961 and is legally nonconforming. There are other above ground pools in the neighborhood including her one neighbor to the left as you look at the house. Town property surrounds the other sides of the property.

(Alternate Vincent Neri was seated for this application).

Speaking in favor of the application was George Rehberg of 1259 Old Clinton Road. No one spoke in opposition.

The hearing closed at 8:10 p.m.

Respectfully Submitted,

*Janet L. Aiken*

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

(TWO (2) micro cassette tapes were recorded for the 6/22/11 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken  
Janet L. Aiken, Administrative Secretary

6/23/11  
Date Submitted