



**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 - 27 April 2011

The Westbrook Zoning Board of Appeals met on Wednesday, April 27, 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 8:24 p.m. following the Public Hearing portion of the meeting. Members present were John Boehme, George Rehberg, Bonnie Hall, Mark Damiani, Eve Barakos and Alternates Richard White and Vincent Neri. Also present was Administrative Secretary Janet L. Aiken.

The Chairman noted at this time that based upon recent information provided to the membership, any Alternate who was not seated for an application could not participate in discussion to render a decision.

DECISIONS:

No. 11-04 - Appeal of David and Nora Luszczyk, applicant/owner; Thomas Elliott AIA, agent. Property located at 15 Shore Lane. Identified on Assessor's Map 13 as Parcel SF8. HDR Zone. Variance requested from Zoning Regulations Section No. 4.33.06(c) to allow rear setback of 22' where 35' required, Section 4.33.06(b) to allow side yard setback (East) of 4' where 10' required, and Section No. 2.10.06, enlargement of a nonconforming structure. CAM exempt.
EXTENSION to 5/25/11

No. 11-05 - Appeal of Scott and Mary Brainard, applicant/owner. Property located at 88 Osprey Circle. Identified on Assessor's Map 188 as Parcel 167, MDR zone. Variance requested from Zoning Regulations Section No. 4.23.06(b) to allow side yard setback of 8' where 15' required, and Section No. 4.23.06(c) to allow rear yard setback of 8' where 35' required, to install 12' x 16' shed. CAM exempt.

Chairman Damiani recused himself from this application and Alternate Richard White was seated. Vice-Chairman Boehme continued with the discussion.

Board members noted that the applicant had tried to place a shed in other locations of the property to negate the need for a variance without success. It was also noted that the placement of the shed would have little if any impact on the neighbor's property and that with a block foundation, it was not a permanent structure.

A motion was made by Bonnie Hall, seconded by Richard White, to approve the variance request as hardship had been demonstrated. The motion carried unanimously.

No. 11-06 - Appeal of Stephen and Barbara Mason, Trustees, applicant/owner; Edward Cassella, Esquire, agent. Property located at 99 Second Avenue. Identified on Assessor's Map 181 as Parcel 127. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(b) to allow side yard setback (Northeast) of 3'7" where 10' required, Section No. 4.33.06(b) to allow side yard setback (Southwest) of 3'6" where 10' required, and Section No. 2.10.06, enlargement of a nonconforming structure. CAM approval needed.

Chairman Damiani was reseated.

Board discussion centered around the additional height of the new structure due to FEMA regulation requirements, that no variance was needed on the street side of the structure for the addition of the mechanicals room, that no variance was needed for the additional lot coverage, that the hardship shown was condition of the existing foundation and its inability to withstand wind velocity and tie down the structure in such a densely populated area.

A motion was made by George Rehberg, seconded by Bonnie Hall, to approve the variance request and its accompanying CAM application as presented. The motion carried unanimously.

MINUTES:

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the minutes of the 3/23/11 Public Hearing with the noted changes on pages 4 and 5. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Eve Barakos, to approve the minutes of the 3/23/11 Regular Meeting with the noted change on page 2. The motion carried unanimously.

BILLS:

A motion was made by John Boehme, seconded by Bonnie Hall, to approve the bill from the Hartford Courant for \$188.20. The motion carried unanimously.

A motion was made by John Boehme, seconded by Mark Damiani, to approve the bill from Janet Aiken for \$339.81. The motion carried unanimously.

A motion was made by George Rehberg, seconded by Mark Damiani, to approve the bill from Richard White for \$25.00 reimbursement of gas mileage to attend the 3/12/11 land use program in Middletown. The motion carried unanimously.

CORRESPONDENCE:

Correspondence was reviewed.

ZEO Nancy Rudek briefly discussed the Lorenson Toyota Cease & Desist regarding signage. She noted that they are apparently no longer going to appeal her decision but that a
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variance application may be forthcoming for the next meeting. She also noted that a new Cease & Desist Order will be going out shortly, noting that the signage that is installed is not what was approved by the Board and she's revoking the signage permit. The Board requested that when Lorenson does appear on the agenda, that they have the benefit of having the original file in hand at the meeting with the original variance information.

The Chairman was presented with a motor vehicle repairer's certificate to sign off on for M&D Auto at 662 Boston Post Road. After discussion, it was noted that a public hearing had been previously held for this location's dealers & repairer's certificate, and what was being requested was actually for a decreased and less intensive use, with any prior conditions still in effect as to hours of operation, lighting and number of vehicles. Determining that another application and public hearing was not necessary, the Chairman signed off on the document.

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

The regular meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Janet L. Aiken

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

recorded for the 4/27/11 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken
Janet L. Aiken, Administrative Secretary

4/28/11
Date Submitted