

THESE MINUTES ARE SUBJECT TO BOARD APPROVAL AT THE NEXT ZONING BOARD OF APPEALS MEETING

**Westbrook Zoning Board of Appeals PUBLIC HEARING MEETING MINUTES
Wednesday, March 27, 2019 at 7:30pm
Mulvey Municipal Center -- Multi Media Room
866 Boston Post Road**

The Westbrook Zoning Board of Appeals met on Wednesday, March 27, 2019 at 7:30pm 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 Harbor News* on March 14, 2019 and March 21, 2019.

Members Present

Chairman Bonnie Hall, John Bech, Vincent Neri, Alternate Nick Alaimo and Alternate Eugenia Magill. Also present, Recording Clerk Meryl Moskowitz.

Absent

Vice Chairman Devin Xenelis and Alternate Matt Schenk

Call to Order

Chairman Hall called the meeting to order at 7:30pm. The procedures to be followed at the Public Hearing were read into the record, noting that the Public Hearing would conclude no later than 10:10pm and that an extension was granted to end the regular meeting by 11:00pm. Alternate Members Nick Alaimo and Eugenia Magill were seated to hear and vote on all appeals.

No. 18-022 – Appeal of Marilyn Blakeslee, owner; Michael J. Ott, agent. Property located at 280 Old Kelsey Point Road, further identified on Assessor's Map 193 as Parcel 48, HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.06(c) rear yard**, to allow 27.8' where 35' required, to build new garage. **CAM** required. **CONTINUED**

Michael Ott, P.E. and land surveyor with Summer Hill Civil Engineers & Land Surveyors, P.C., Madison, CT addressed the Board, explaining the owner plans to remove the existing home and garage and build a new residence and garage, which will conform to all zoning standards. B. Hall noted for the record that the agent had requested a 30-day extension of the application.

M. Ott explained the request is for the garage. The proposed house is compliant and will be in the same place as the existing house. They propose to move the garage back, which is currently a little over 2 ft from the street line and is proposed to go to 27.8 ft, where 35 ft is required. The septic system plan has been approved by the Health Department.

Sabrina Foulkes, architect with Point One Architects, of Old Lyme, CT clarified the height elevation of the garage is 20.4 ft high. She reviewed dimensions, 24 ft x 18 ft wide, an oversized

one-car garage. She also explained how moving the garage back would alleviate parking constraints and access to the garage.

M. Ott stated the hardship is the narrow width and relative small size of the lot.

S. Foulkes submitted a letter from Philip Dundas (Exhibit A) of 288 Old Kelsey Point Road, dated February 24, 2019, in favor of the request for variance. Previously submitted was a letter of support from Joseph Voytek, 2 Osprey Circle, dated February 22, 2019.

B. Hall reviewed a memo submitted by Zoning Enforcement Officer Eric Knapp dated January 31, 2019. In part, the memo requests a deed to confirm that the lot is a pre-existing non-conforming lot, as well as copies of current assessors card. The deed, Exhibit B, was subsequently provided during the meeting.

M. Ott stated for the record that a property boundary survey was completed.

B. Hall read a memo from Health Director Sonia Marino, stating all Health Department requirements must be satisfied and that final approval from the Health Department is contingent on review of final building plans.

B. Hall asked for public comment. There were no comments in favor. There were no comments in opposition, and there were no comments neither for or against the application.

The Public Hearing closed at 7:59pm.

No. 18-024 – Appeal of John Sodipo, owner. Property located at 191 Boston Post Road, further identified on Assessor's Map 188 as Parcel 151, HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.08** maximum height requirement, to allow 40' where 35' required, to rebuild house.

The application was withdrawn.

No. 19-001 – Appeal of David and Sharon Bender, owners; Russell Campaigne, agent. Property located at 167 Kingfisher Lane, further identified on Assessor's Map 183 as Parcel 027, MDR zone. Variances requested from Zoning Regulations **Section No. 4.23.06 side yard**, to allow 10' where 15' required; **Section No. 4.23.06 side yard**, to allow 10' where 15' required, to rebuild house. **CAM** required.

Russell Campaigne, architect with Campaigne Kestner Architects of Guilford, CT explained the parcel is narrower than neighboring lots, the proposed rebuild of the house will bring it into greater conformity by moving it 20 ft back into a non-FEMA zone. They are asking for 10 ft side yard setbacks where 15 ft are required. Lot coverage will still be conforming, expanding by 420 ft. Another conformity is the proposed conversion of an existing garage into a cabana. The stated hardship is the existing lot size and shape, and bringing the house into conformity with FEMA. Additionally, total impervious surfaces will be reduced.

V. Neri asked whether there will be net improvement in non-conformity. R. Campaigne stated he believes there will be a slight decrease in the non-conforming area.

N. Alaimo asked about the hardship with the garage. R. Campaigne explained the existing garage is a distance from the house and dates to a different use of the building, from when the house was built in 1905.

There was a discussion about preserving a 100 year old copper beach tree, which R. Campaigne explained adds difficulty with implementing the driveway.

B. Hall asked if owners would be opposed to removing the tree. R. Campaigne stated owners would concede to removing the garage, thereby decreasing non-conformity by 228 ft.

Michael Harkin, Professional Engineer with Harkin Engineering of Killingworth explained the CAM application.

B. Hall stated for the record that Health Department and DEEP approval must be received in order to build.

B. Hall opened the floor to public comment.

Speaking in favor:

1. Brian Carter, 165 A & B Kingfisher Lane
2. Fred Pitt, 163 Kingfisher Lane

No one spoke in opposition; no one spoke neither for or against the application.

R. Campaigne signed and dated the site plan of January 18, 2019 to show removal of the garage.

The Public Hearing closed at 9:18pm.

No. 19-002 – Appeal of Eric Glance, CSM Development, agent/owner. Property located at 164 Little Stannard Beach Road, further identified on Assessor's Map 182 as Parcel 034, HDR zone. Variances requested from Zoning Regulations **Section No. 4.23.06 side yard**, to allow 9.01' where 10' required; **Section No. 4.23.06 side yard**, to allow 8.9' where 10' required; **Section 2.10.6** enlargement of non-conforming structure. Variances needed to build upper level addition, addition of portico above entry, and addition of exterior surround to existing shower.

Eric Glance of CSM Development explained the two hardships, all mechanicals are below flood plain and the lot size is smaller than Zoning requirements. The lot is a legal non-conforming lot of record. The proposal is to remove a 40 sq ft balcony, add a 39 sq ft addition on the upper level, move mechanicals above flood plain, add a portico over the entry door, and add a surround to an outdoor 3x5 ft vinyl shower. One of the garage doors is proposed to be removed, adding a portico, and a bump out for mechanicals. A deck will also be removed.

Three letters from abutting neighbors were submitted. In favor of the application were

1. Michael P. DeBaggis of 250 Salt Island Road, dated March 20, 2019 (Exhibit A)
2. Bill Barrett of 157 Little Stannard Beach Road, dated December 19, 2018 (Exhibit B)

3. Christine & Sonny Whelen of Little Stannard Beach Road, dated January 17, 2019 (Exhibit C)

B. Hall opened the floor to public comment. No one spoke in favor, nor in opposition, and no one spoke neither for or against the application

The Public Hearing closed at 9:30pm.

No. 19-003 – Appeal of Joseph and Donna Marino, owners/applicants; Joe Wren, agent. Property located at 22 Sunrise Road, further identified on Assessor's Map 179, Parcel 66, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(a) front yard**, to allow 21.2' where 25' required; **Section No. 4.33.06(a) front yard**, to allow 21.5' where 25' required; **Section No. 4.33.06(a) front yard**, to allow 21.2' where 25' required; Section No. 4.33.06(a) front yard, to allow 22.2' where 25' required; **Section No. 4.33.06(b) side yard** to allow 5' where 10' required; **Section No. 4.33.06(b) side yard** to allow 6.4' where 10' required; **Section No. 4.33.06(c) rear yard** to allow 10.8' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 23.8' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 24.8' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 27.3' where 35' required; for demolition of existing house and construction of 2.5 story house.

Joe Wren, professional engineer with Indigo Land Design of Old Saybrook, explained the application is to tear down and rebuild the house. A shed and large concrete slab will also be removed. The house will not be in the flood zone. The proposed house is moved 2 ft to the south, shown on revised plans submitted this evening dated March 21, 2019, which supercedes previously submitted plans. The deck and stairs were reconfigured, improving the side yard variance and are now no closer than 6.3 ft to the deck stairs, and the main structure of the house is 8.3 ft to the property line.

The coverage is being reduced to conforming at 24.8%.

J. Wren read the hardship into the record. The parcel is an existing non-conforming lot of record, less than the required 15,000 sq ft. in the HDR zone, as well as being a narrow lot. 16.7% of the lot is allowable.

J. Wren submitted into the record copies of 4 photographs. (Exhibit A)

J. Wren submitted and read into the record a letter of support from Michael Pastyrnak and family of 2 Mohigan Road, dated March 25, 2019. (Exhibit B)

B. Hall asked if the house is seasonal. It is year-round. She stated that all Health Department and DEEP requirements must be satisfied in order to build.

B. Hall opened the floor to public comment.

Speaking in favor:

1. Pat Cozza, 22 Lilac Street
2. Richard Daly, 1 Mohegan Road

No one spoke in opposition, and no one spoke neither for or against the application

The Public Hearing closed at 10:07pm.

No. 19-004 – Appeal of Joe Carabetta Jr., owner; Joe Wren, agent. Property located at 43 Old Mail Trail, further identified on Assessor's Map 195, Parcel 104, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(b) side yard** to allow 4' where 10' required; **Section No. 4.33.06(b) side yard** to allow 5.5' where 10' required; **Section No. 4.33.06(c) rear yard** to allow 7.9' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 9.2' where 35' required; **Section No. 4.33.05 building coverage** to allow 30.5% where 25% required; **Section 2.10.06 expansion/enlargement of non-conforming structure**. Variances needed for vertical expansion of existing house. **CAM** required.

Joe Wren, professional engineer with Indigo Land Design of Old Saybrook, explained there are no proposed footprint changes, that this is an upper expansion. It is a small non-conforming lot of record. The building coverage does not change, and no new non-conformities are introduced. J. Wren read the hardship into the record, namely the existing small, narrow and irregular-shaped lot. Approximately 89.7% of the property is consumed by yard setbacks.

No comments were received by DEEP regarding the CAM application.

J. Wren submitted into the record copies of photographs showing different angles and views of the house and property. (Exhibits A, B, C, and D)

Architect Craig Laliberte addressed the Board and reviewed plans.

There was a discussion about the pavers at the side and front of house. B. Hall expressed concern about the pavers and drainage. J. Wren suggested replacing the side pavers with pervious pavers. V. Neri suggested placing pervious pavers in front, and removal of the side yard pavers. J. Wren signed the site plan noting front pavers to be made pervious, and side pavers to be removed and replaced with grass or landscaping.

B. Hall opened the floor to public comment. No one spoke in favor.

Speaking in opposition:

1. Sean Saslo, 47 Old Mail Trail read a letter stating the concerns of he and his wife Janet. They are concerned about crowds and events at the house, activities that are not harmonious with the bucolic nature of the association and show disregard for the neighbors. They state the pavers have been used for parking and vehicle turn-around.
2. Janet Riesman, abutting neighbor, stated opposition and noted that the pavers are used for turn-around.

B. Hall read parts of a letter from Margaret Vincent, 64 Old Mail Trail, dated March 20, 2019 stating opposition to the application and displeasure with the Zoning Board of Appeals.

J. Wren stated the home is intended for personal use, not as a rental. The home is 1,140 sq ft, with a proposed addition of 340 sq ft, and will remain a four bedroom home.

E. Magill asked for clarification of the height regulations.

V. Neri asked that the area where the pavers are to be removed be defined. J. Wren stated the area is between 43 and 47 Old Mail Trail.

The Public Hearing closed at 10:51 p.m.

Respectfully submitted,

Meryl Moskowitz
ZBA Recording Clerk

**THESE MINUTES ARE SUBJECT TO BOARD APPROVAL AT THE NEXT
ZONING BOARD OF APPEALS MEETING**

**Westbrook Zoning Board of Appeals REGULAR MEETING MINUTES
Wednesday, March 27, 2019 at 7:30pm
Mulvey Municipal Center -- Multi Media Room
866 Boston Post Road**

The Westbrook Zoning Board of Appeals met on Wednesday, March 27, 2019 at 7:30p.m. 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 Harbor News* on March 14, 2019 and March 21, 2019.

Members Present

Chairman Bonnie Hall, John Bech, Vincent Neri, Alternate Nick Alaimo and Alternate Eugenia Magill. Also present, Recording Clerk Meryl Moskowitz.

Absent

Vice Chairman Devin Xenelis and Alternate Matt Schenk

The Regular Meeting was called to order at 10:51pm.

Decisions

No. 18-022 – Appeal of Marilyn Blakeslee, owner; Michael J. Ott, agent. Property located at 280 Old Kelsey Point Road, further identified on Assessor's Map 193 as Parcel 48, HDR zone. Variance requested from Zoning Regulations **Section No. 4.33.06(c) rear yard**, to allow 27.8' where 35' required, to build new garage. **CAM** required. **CONTINUED**

Discussion

V. Neri stated the application seems consistent with other applications the Board has approved. They are improving the non-conformities on both side yards, there's no CAM impact, the driveway will be a pervious surface, the land records were submitted, and the engineer testified there's an A2 survey. They're moving the garage to be within the side yard setbacks.

B. Hall stated there's no paving, they won't be going on the right of way. It's a one door garage, 24 x18 ft.

N. Alaimo stated they are reducing the non conformity, and that the existing garage is in need of upgrade and repair, and believes the hardship has been shown.

J. Bech agreed hardship has been shown.

E. Magill stated they've done all they can to stay within the regulations.

A **MOTION** made by V. Neri and seconded by J. Bech to approve the application, with CAM, as hardship had been met with the narrow width of the lot, and there is an improvement of non-conformity. The motion passed unanimously.

No. 19-001 – Appeal of David and Sharon Bender, owners; Russell Campaigne, agent. Property located at 167 Kingfisher Lane, further identified on Assessor's Map 183 as Parcel 027, MDR zone. Variances requested from Zoning Regulations **Section No. 4.23.06 side yard**, to allow 10' where 15' required; **Section No. 4.23.06 side yard**, to allow 10' where 15' required, to rebuild house. **CAM** required.

Discussion

B. Hall stated they are taking down one garage, with a net reduction of 228 sq ft. She was impressed with the care they took to keep the house one story on the east and one and a half stories on the west, and that they brought it in from where the existing home was.

N. Alaimo stated they are reducing non-conformities in the front, and adding a little more non-conformity to the sides.

B. Hall stated that by moving the house further away from the water they're correcting two non-conformities, eliminating the front yard non-conformity, reducing impervious coverage with the driveway, and removing the existing garage

V. Neri stated they testified they're above the A Zone, and they're saving the tree.

A **MOTION** made by B. Hall and seconded by J. Bech to grant the application, with CAM, with the stipulation that the existing garage, at 228 sq ft and located to the northwest corner of the property, be removed. The motion passed unanimously.

No. 19-002 – Appeal of Eric Glance, CSM Development, agent/owner. Property located at 164 Little Stannard Beach Road, further identified on Assessor's Map 182 as Parcel 034, HDR zone. Variances requested from Zoning Regulations **Section No. 4.23.06 side yard**, to allow 9.01' where 10' required; **Section No. 4.23.06 side yard**, to allow 8.9' where 10' required; **Section 2.10.6** enlargement of non-conforming structure. Variances needed to build upper level addition, addition of portico above entry, and addition of exterior surround to existing shower.

Discussion

B. Hall stated the applicant is looking to have variances to build the upper level addition, the portico, and the shower surround.

V. Neri stated these are minor requests, the shower is removable and not a structure. B. Hall noted the two hardships are that the mechanicals are below flood zone and the lot size is below allowable, buildable lot size. They're taking away a garage; adding a bump out for the mechanicals on the north side. They're not asking for more liveable space. There's no change in the footprint, and they're removing a deck. B. Hall stated she believes the application meets all the qualifications for hardship.

A **MOTION** made by J. Bech and seconded by N. Alaimo to grant the application as hardship has been met with mechanicals below the flood plain which need to be upgraded and raised. The motion passed unanimously.

No. 19-003 – Appeal of Joseph and Donna Marino, owners/applicants; Joe Wren, agent. Property located at 22 Sunrise Road, further identified on Assessor's Map 179, Parcel 66, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(a) front yard**, to allow 21.2' where 25' required; **Section No. 4.33.06(a) front yard**, to allow 21.5' where 25' required; **Section No. 4.33.06(a) front yard**, to allow 21.2' where 25' required; **Section No. 4.33.06(a) front yard**, to allow 22.2' where 25' required; **Section No. 4.33.06(b) side yard** to allow 5' where 10' required; **Section No. 4.33.06(b) side yard** to allow 6.4' where 10' required; **Section No. 4.33.06(c) rear yard** to allow 10.8' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 23.8' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 24.8' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 27.3' where 35' required; for demolition of existing house and construction of 2.5 story house.

Discussion

B. Hall stated the applicant wants to demolish the existing house and construct a two-story house. The shed and slab at north east corner are to be removed, and the house is to be slid two feet to the south. They are improving an existing non-conformity, and there will be a reduction in lot coverage from 29.9% to 24.8%.

V. Neri stated he would like to see the deck not increase in size, though it's not a deal breaker. He noted he would like to see variances filled out on page 2 of the application.

N. Alaimo added that it's a dated home that will be improved, while reducing non-conformities.

A **MOTION** by E. Magill and seconded by J. Bech to grant the application based on reduction of non-conformities. The motion passed unanimously.

No. 19-004 – Appeal of Joe Carabetta Jr., owner; Joe Wren, agent. Property located at 43 Old Mail Trail, further identified on Assessor's Map 195, Parcel 104, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(b) side yard** to allow 4' where 10' required; **Section No. 4.33.06(b) side yard** to allow 5.5' where 10' required; **Section No. 4.33.06(c) rear yard** to allow 7.9' where 35' required; **Section No. 4.33.06(c) rear yard** to allow 9.2' where 35' required; **Section No. 4.33.05 building coverage** to allow 30.5% where 25% required; **Section 2.10.06 expansion/enlargement of non-conforming structure**. Variances needed for vertical expansion of existing house. **CAM** required.

Discussion

B. Hall stated that variances are requested for vertical expansion of an existing home. There is a CAM application. The pavers are to be removed at the side of the home, and on the water side permeable pavers will replace the existing pavers. They are adding a half story and a new roof, while removing two dormers, and staying within the existing footprint. The height is not to

exceed 33.8 ft from average grade. The headroom upstairs is going to be 4 ft wide, not a living space, and a bath room on the east side.

V. Neri stated he hopes that some of the good neighbor issues will be resolved by the owner. There is opposition but he sees this as a standard application. They are staying within the footprint. The applicant has agreed to pervious pavers and to address some of the drainage issues with landscaping.

A **MOTION** made by V. Neri and seconded by J. Bech to grant the application with CAM with the stipulation that pavers between 43 & 47 Old Mail Trail be removed and replaced with landscaping & grass, and the area on the water side, the south side, would be pourous concrete pavers, eliminating all hard surfaces, a vertical expansion staying witin existing footprint, not exceeding 33.8 ft. The motion passed unanimously.

A **MOTION** made by J. Bech and seconded by E. Magill to amend the above motion to grant application 19-004 to state "elimination of all 'impervious' surfaces." The motion passed unanimously.

A **MOTION** made by J. Bech and seconded by E. Magill to accept the Public Hearing minutes of January 23, 2019. The motion passed unanimously.

A **MOTION** made by V. Neri and seconded by J. Bech to accept the Regular Meeting minutes of January 23, 2019. The motion passed unanimously.

A **MOTION** made by J. Bech and seconded by E. Magill to approve payment of \$343.60 to Shore Publishing. The motion passed unanimously.

Correspondence

Minutes of the IWWC meeting of February 5, 2019 and March 5, 2019; Zoning Commission meeting minutes of January 22, 2019 and February 26, 2019.

Any Other Business

A **MOTION** made by V. Neri and seconded by J. Bech to adjourn the meeting at 11:32pm until the next regularly scheduled meeting of the Zoning Board of Appeals which will be held on April 24, 2019 in the Mulvey Center, 866 Boston Post Road. The motion passed unanimously.

Respectfully submitted,

Meryl Moskowitz
Recording Clerk

