

These minutes are subject to Board approval at the Next Zoning Board of Appeals Meeting

Westbrook Zoning Board of Appeals **REGULAR MEETING MINUTES**
Wednesday, 23 June 2021
via Zoom

The Westbrook Zoning Board of Appeals met on Wednesday, 23 June 2021 via Zoom. Legal Notice of the Public Hearing was published in the Harbor News on 10 June and 17 June 2021.

Members Present:

Chairman Bonnie Hall, Devin Xenelis, Jack Boehme, Vincent Neri, John Bech, and Alternate Members Eugenia Magill and Scott Hartzell.

DECISIONS

Appeal No. 2021-007-Appeal of Richard and Barbara McGinley, owners, Robert Doane, Jr., P.E., L.S., agent/applicant. Property located at Menunketesuck Road, further identified on Assessor's Map 188, Parcel 114, HDR Zone. Variances requested from Zoning Regulations **Section 2.C.2.2** of 10' required, 5' requested; **Section 2.C.2.3** of 35' required, 16.5' requested; **Section 2.C.2.4** of 50' required, 19' requested. Variances requested to build house with septic system and deck. **CAM** required.

The Regular Meeting was Opened at 7:56 p.m.

Chairman Hall asked Board members what their Statement of Fact is.

J. Boehme stated that he had a hard time approving the appeal when there is no house built at this point and more work can be done to eliminate variance requests, which concerned him.

V. Neri stated that he has similar concerns but doesn't feel that the owner should have a penalty for building at this date. He believes the proposed house is consistent with other homes in the area.

B. Hall stated that looking at hardship with regards to the east side, she agrees that if not for the Association owned strip, it would not need a variance. She stated that the owner is willing to work with the Board. B. Hall sees hardship with regards to the other two sides of the property and feels hardship has been met.

D. Xenelis commented that he believes the applicant has proven hardship and has no issues with the Appeal.

J. Bech stated that by removing the stairwell on the north side, that takes away half of what needs to be done.

V. Neri questioned if the basement would be occupied space, commented that the five foot by five foot entry will be covered, not enclosed.

J. Boehme inquired if the stairway was not covered, would it need a variance. B. Hall referred that question to D. Maiden. He replied that an unroofed landing can extend within five feet of the property line. V. Neri stated that if the Board Stipulates that it can't be covered, that would eliminate another variance. J. Boehme commented that going in and out of the house, who wants to get soaked with rain. B. Hall reminded the Board that they can approve the whole application or part of it. D. Maiden further stated that without a roof, the five foot exemption is up to two steps. B. Hall asked what if it has three steps. D. Maiden responded that three steps would require a variance. B. Hall stated that the plan shows more than two steps, so the Board isn't able to eliminate that non-conformity. B. Hall told the Board that they can add the Stipulation saying the entrance can't be covered. J. Boehme stated that he would like to see any Motion include Stipulation that the main deck cannot be enclosed.

A **MOTION** was made by B. Hall and seconded by D. Xenelis to **GRANT**, including the **CAM, WITH STIPULATIONS**:

1. North side stairs and deck be removed,
2. The deck remain open, not enclosed,
3. The south side entrance way remain open, not enclosed, and
4. The basement remain unfinished.

Chairman Hall called for a Vote. The **MOTION** was **PASSED UNANIMOUSLY**.

The Regular Meeting was Closed at 8:19 p.m.

Appeal No. 2021-008-Appeal of Josephine Arillota Femc, owner/applicant. Property located at 22 Elm Avenue, further identified on Assessor's Map 196, Parcel 001, HDR Zone. Variances requested from Zoning Regulations **Section 2.C.2.2** of 10' required, 5.7' requested; **Section 2.C.2.2** of 10' required, 8.7' requested; **Section 2.C.2.3** of 35' required, 26.2' requested; **Section 2.C.2.3** of 35' required, 21.3' requested. Variances requested for vertical expansion of existing house.

Chairman Hall seated Alternate Scott Hartzell to hear and vote on this Appeal.

The Regular Meeting was Opened at 8:39 p.m.

Chairman Hall asked Board members what their Statement of Fact is.

B. Hall stated that she felt this was a straightforward application and that hardship has been met. She is in favor of granting as proposed.

V. Neri stated that he was in favor, and that the plans were reasonable.

D. Xenelis commented that the height is compliant.

S. Hartzell stated that the application was a good plan.

J. Bech referenced the four letters of approval.

A **MOTION** was made by J. Bech and seconded by D. Xenelis to **GRANT** the Application.

Chairman Hall called for a Vote. The **MOTION** was **PASSED UNANIMOUSLY**.

MINUTES

The Board reviewed Public Meeting Minutes of 26 May 2021. Chairman Hall asked if there were any corrections or additions.

A **MOTION** was made by J. Bech and seconded by S. Hartzell to accept Public Hearing Meeting Minutes of 26 May 2021. The **MOTION** passed **UNANIMOUSLY**.

The Regular Meeting Minutes of 26 May 2021 were reviewed. Chairman Hall asked the Board if there were any corrections or additions.

A **MOTION** was made by J. Bech, seconded by S. Hartzell, to accept Regular Meeting Minutes of 26 May 2021. The **MOTION** passed **UNANIMOUSLY**.

BILLS

A **MOTION** made by S. Hartzell and seconded by J. Bech to approve payment of \$300.00 to Shore Publishing. The **MOTION** passed **UNANIMOUSLY**.

A **MOTION** made by J. Bech and seconded by S. Hartzell to approve payment of \$486.54 to Recording Clerk Karen Amendola for June 2021. The **MOTION** passed **UNANIMOUSLY**.

CORRESPONDENCE

The Board received: 1. A letter from First Selectman Noel Bishop accepting the resignation of Alternate Matthew Schenck, 2. Zoning Commission 2 May 2021 Regular Meeting Minutes, 3. The IWWC 2 May 2021 Regular Meeting minutes.

GENERAL BUSINESS

B. Hall will appear at the Board of Selectman meeting on 24 June 2021 to reappoint D. Maiden. The Board commented how smoothly things were running and that they were in favor of this.

Attorney Ken Slater's legal opinion will be discussed at the July meeting, when J. Boehme will be present.

Board members have been invited to attend a tour of Water's Edge Wastewater facility.

B. Hall spoke to the Zoning Board of Appeals Budget increase of 43.3%.

B. Hall spoke to the Board regarding future Zoom meetings. After discussion, it was decided that the July meeting would be held via Zoom, and the August meeting would be held in person.

ADJOURNMENT

A **MOTION** to Adjourn at 9:01 p.m. was made by S. Hartzell and seconded by J. Bech. The **MOTION PASSED UNANIMOUSLY**.

Respectfully submitted,
Karen Amendola
ZBA Recording Clerk