

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

**Westbrook Zoning Board of Appeals PUBLIC HEARING MINUTES  
Wednesday, April 24, 2019  
Mulvey Municipal Center – Multi Media Room  
866 Boston Post Road**

The Westbrook Zoning Board of Appeals met on Wednesday, April 24, 2019 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 11 April and 18 April 2019.

Chairman Bonnie Hall called the Public Hearing to order at 7:35 p.m. and introduced Board members to the public. Members present were Bonnie Hall, Vincent Neri, John Bech, Devin Xenelis, and Alternate Members Eugenia Magill and Matthew Schenk. Also present was Recording Clerk Meryl Moskowitz. Absent was Nick Alaimo.

The procedures to be followed at the Public Hearing were read into the record.

**No. 19-006** – Appeal of Elin S. Katz, owner; Peter J. Springsteel, agent. Property located at 44 Stannard Drive, further identified on Assessor's Map 181 as Parcel 097, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(a)** front yard, to allow 16' where 25' required, **Section No. 4.33.07** tidal wetlands to allow 44.7' where 50' required. **Section No. 4.33.06(b)** side yard, to allow 9' where 10' required, and **Section No. 2.10.06** enlargement of non-conforming structure. Variances needed to build screened porch and deck. **CAM** required.

Alternate Member Eugenia Magill was seated for this Appeal.

Peter Springsteel, Architect, representing the owners, reviewed the variances requested: front yard, side yard, tidal wetlands, and enlargement of a non conforming structure. The tidal wetlands setback encompasses the entire lot. Exhibit A, a GIS map, was submitted into the record.

Mr. Springsteel explained that in the front yard setback, the proposed front porch is in line with the property next door and mimics the contours of the community. On the north side of the property, a rain garden is proposed to handle storm water runoff. Tidal wetlands are at the back of the property. The proposed setbacks are less than the existing setbacks.

Mr. Springsteel stated that the hardship is that it is a pre-existing non-conforming structure already situated in the setbacks in two areas. He noted a unique aspect is the existing structure is the only one conforming in the front yard setback in this neighborhood. It's an odd-shaped property which impacts building out to the back. They are well under the lot coverage, but the only way to build is in the non-conforming area of the front yard. He added that the property is adjacent to tidal wetlands, and that they have added on as far from the tidal wetlands buffer as possible. He feels they have mitigated all potential adverse impacts. The property is in the Coastal flood hazard zone and must stay under the 50% value.

B. Hall asked Mr. Springsteel to state for the record all potential adverse impacts.

Mr. Springsteel listed the potential adverse impacts as: potential for additional storm water run off, and erosion and sedimentation during construction, which, he stated, is mitigated by silt fencing.

B. Hall asked about a shed that is shown on the map, and that is encroaching on another property. She asked if there were any proposed reductions. Mr. Springsteel stated that no reductions are planned.

Mr. Steven Katz stated he was not aware of the shed being an issue. Mr. Springsteel estimated the dimensions of the shed at 12'x20'.

Owner Elin Katz stated it is an old shed that has been there before they bought the house.

B. Hall asked if the existing enclosed porch was built with the house, as there are no variances for it in the file. Mr. Katz, who grew up in the neighborhood, stated it has been there since 1968.

V. Neri asked for clarification of the front yard setback. The site plan shows it as 24.5 ft and in the application it is identified as 25 ft. Mr. Springsteel stated the stamped survey is correct at 24.5 ft.

B. Hall asked for clarification about a slate walk and a 7 ft. wide right of way. Mr. Springsteel stated the slate walk is existing and extends to the street, and Mr. Katz stated he understood the right of way to be an extension of Stannard Drive that runs through the property to Route One.

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 nor against the application.

#### Discussion

V. Neri questioned the hardship and the need for a front porch, noting there were no proposed reductions anywhere. He asked if expansion could be to the north, or anywhere else.

Mr. Springsteel explained the septic system is to the north of the existing structure, and that they can't extend to the east because of the wetlands. There is already non-conforming context in the neighborhood with the front porches, that they are copying. He also noted that they are well under allowable lot coverage and believes they've dealt with this in the most sensitive way possible.

Mr. Springsteel reviewed the hardship, stating the unusual shape of the property, and the imposition of the setbacks, preventing them from getting full lot coverage.

The Public Hearing closed at 8:20pm.

**No. 19-007** – Appeal of Tiffany F. & Douglas M. Glanville, owners; Joe Wren, agent. Property located at 30 Old Kelsey Point Road, further identified on Assessor's Map 180 as Parcel 138, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(a)** front yard, to allow 9.7' where 25' required; **Section No. 4.33.06(a)** front yard, to allow 12.3' where 25' required, and **Section No. 4.33.06(c)** rear yard, to allow 24.5' where 35' required, and **Section No. 2.10.06** enlargement of non-conforming structure. Variances needed to build screened porch with gable roof and attached rear deck with steps.

Alternate Member Matthew Schenk was seated for this Appeal.

Joe Wren, Professional Engineer, Indigo Land Design, presented the application. In the audience was owner Doug Glanville.

Mr. Wren explained the property is several blocks from the water, that the existing house is 24' x 24', the size of a 2-car garage, with a living area of 700 sq. ft.

Variances requested are for front yard and rear yard to allow a 12x21 ft screened porch addition, a small

deck, 5.6 x 12 ft, and a dormer, which does not expand the height of the house, and is within the rear yard setback. Proposed is a 4-bedroom septic, which has been approved by the Health Department, and they plan to connect to public water.

Mr. Wren read the four setbacks, and the hardship, stating this is a classic case of a hardship since there's really no where to build. He also noted the house was built three years prior to adoption of Zoning regulations.

Mr. Wren submitted a letter into the record, Exhibit A, and read the letter of support dated March 5, 2019 from Beth Grabowski of 68 Johnson Road, Columbia, CT.

He also read into the record a statement sent via email, in support, from Lynn Masson, treasurer of the Old Kelsey Point Beach Association.

Denise Von Dassel, Architect, KV Designs, reviewed plans. The existing house is under 600 sq ft. Part of the project is to use attic space for living/sleeping space. They propose to convert a half bath on the first floor to a full bath. The home currently has no dining area—the proposed screened porch is intended as a dining/congregating space. D. Von Dassel stated the clients have no plans to live there year round or make it into anything other than a seasonal dwelling. She submitted photos of the property, Exhibit B.

V. Neri stated he is struggling with the hardship, that the improvements seem reasonable within the house, but he doesn't see the hardship with the porch.

E. Magill asked for clarification of the front yard setbacks. J. Wren explained that the structure would be conforming if the front yard setback along Kelsey Point Road was a side yard setback. The property has two front yard setbacks.

J. Wren pointed out that a large maple tree will stay, which is why the porch will be on piers to avoid damage to the tree roots.

He also stated that as far as the hardship, the main point is that 97% of the property is restricted by setbacks.

D. Von Dassel stated the house is on piers, there is no basement, no storage, no indoor shower, and no dining area.

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 nor against the application. The Public Hearing closed at 9:02pm.

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

**Westbrook Zoning Board of Appeals REGULAR MEETING MINUTES  
Wednesday, April 24, 2019 immediately following Public Hearing  
Mulvey Municipal Center – Multi Media Room  
866 Boston Post Road**

The Westbrook Zoning Board of Appeals met on Wednesday, October 24, 2018 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 April 11, 2019 and April 18, 2019.

Chairman Bonnie Hall called the Zoning Board of Appeals Regular Meeting to order at 9:03 pm.

**Members Present**

Chairman Bonnie Hall, John Bech, Vincent Neri, Devin Xenelis, and Alternates Eugenia Magill and Matthew Schenk. Also present was Recording Clerk Meryl Moskowitz

**Absent:** Alternate Nick Alaimo

**Decisions**

**No. 19-006** – Appeal of Elin S. Katz, owner; Peter J. Springsteel, agent. Property located at 44 Stannard Drive, further identified on Assessor's Map 181 as Parcel 097, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(a)** front yard, to allow 16' where 25' required, **Section No. 4.33.07** tidal wetlands to allow 44.7' where 50' required. **Section No. 4.33.06(b)** side yard, to allow 9' where 10' required, and **Section No. 2.10.06** enlargement of non-conforming structure. Variances needed to build screened porch and deck. **CAM** required.

Alternate Member Eugenia Magill was seated to vote on this appeal.

B. Hall re-stated that variances are requested to build a screened porch and deck, and enlargement of a non-conforming structure. It has a CAM as well.

D. Xenelis stated it doesn't appear to him to be an extreme variance based on the proposed use of the property, and that they seem to have identified sufficient hardship, that the shape and the setbacks constrain their ability to expand, that the existing house is not huge to begin with. He stated he doesn't have issues with the proposal, and with regard to the shed, it's difficult to tell if moving the shed would be more disruptive, given the lack of information.

V. Neri stated he agrees with D. Xenelis and would have liked to see the shed brought into compliance, and would have liked more information about the existing porch. They have a double lot, combined as one, so they have plenty of area.

E. Magill stated she is in agreement.

J. Bech stated he is in agreement and is bothered by the shed, which encroaches on another property.

B. Hall stated she agrees about the odd shaped lot being a hardship, and the challenges imposed by the wetlands. She stated that she's okay with the front porch hardship, but has issue with the proposed

screened porch. The argument that it would be conforming to the neighborhood, the testimony is that there were porches along several of the homes but no other additions on them. Having an existing porch already in the tidal wetlands in the back why would you have it go into the north, increasing the non-conformity?

Members discussed voting on a portion of the requested setbacks.

V. Neri agrees with B. Hall about not finding hardship with the screened porch and that it seems as though they are increasing the non-conformity with the screened porch.

A **MOTION** by V. Neri and seconded by J. Bech to grant the proposed covered porch addition as presented, with CAM, and to deny the proposed screen porch addition, which is in the tidal wetlands. The motion passed unanimously.

**No. 19-007** – Appeal of Tiffany F. & Douglas M. Glanville, owners; Joe Wren, agent. Property located at 30 Old Kelsey Point Road, further identified on Assessor's Map 180 as Parcel 138, HDR zone. Variances requested from Zoning Regulations **Section No. 4.33.06(a)** front yard, to allow 9.7' where 25' required; **Section No. 4.33.06(a)** front yard, to allow 12.3' where 25' required, and **Section No. 4.33.06(c)** rear yard, to allow 24.5' where 35' required, and **Section No. 2.10.06** enlargement of non-conforming structure. Variances needed to build screened porch with gable roof and attached rear deck with steps.

B. Hall summarized that the applicant wants to build a screened porch with gabled roof and attached rear deck with steps. Because the legal notice does not include the proposed dormer addition, the decision was tabled at 9:33pm.

### **MINUTES**

A **MOTION** by D. Xenelis and seconded by J. Bech to accept the Public Hearing Minutes of 27 March 2019 as presented. The motion passed unanimously.

A **MOTION** by J. Bech and seconded by D. Xenelis to accept the Regular Meeting Minutes of 27 March 2019 as presented. The motion passed unanimously.

### **BILLS**

A **MOTION** by J. Bech and seconded by E. Magill to approve payment of \$76.99 to Technique Printers of Clinton, CT for 500 ZBA envelopes. The motion passed unanimously.

A **MOTION** by J. Bech and seconded by V. Neri to approve payment of \$241.00 to Shore Publishing. The motion passed unanimously.

A **MOTION** by V. Neri and seconded by J. Bech to approve payment of \$1,117.51 to Meryl Moskowitz for clerk duties January through April 2019. The motion passed unanimously.

### **CORRESPONDENCE**

Zoning Commission meeting minutes of March 26, 2019

### **INTERVIEWS**

1. Interviews of candidates to fill vacant position on Board.
2. Possible action to fill the vacancy.

Members interviewed John Boehme for the vacant Board position. Mr. Boehme stated he has been a resident since 1980 and had previously served on the Zoning Board of Appeals for thirteen years, and understands a lot about the ZBA and Town zoning regulations.

Greg Brenner declined the interview, stating he felt Mr. Boehme was better qualified.

A **MOTION** by V. Neri and seconded by D. Xenelis to seat John (Jack) Boehme to fill the vacant position that expires November 2021. Voting in favor: B. Hall, D. Xenelis, J. Bech, and V. Neri. Voting in opposition: none. The motion passed unanimously.

#### **ANY OTHER BUSINESS**

B. Hall informed the Board of a Memorandum of Decision, in the case of Tyrone Tutko v. Town of Westbrook Zoning Board of Appeals dated April 18, 2019, stating that the appeal was dismissed and the action of the ZBA was sustained.

J. Wren approached the Board and asked if a special meeting can be convened to decide Appeal No. 2019-007. Every effort will be made to schedule a special meeting.

#### **ADJOURNMENT**

A **MOTION** by J. Bech and seconded by V. Neri to adjourn the meeting at 10:01pm. The motion passed unanimously.

Attested to: Bonnie Hall, Chairman