

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, 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.

Chairman Bonnie Hall called the Public Hearing to order at 7:07 p.m. and introduced Board members.

Members Present:

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

Also present were ZBA Staff Coordinator David Maiden and Recording Clerk Karen Amendola.

Chairman Hall read the procedures to be followed at the Hearing into the record.

Appeal No. 2021-009-Appeal of John and Nancy Giannini, owners, Edward Cassella, Esq., agent/applicant. Property located at 77 Captains Drive, further identified on Assessor's Map 195, Parcel 005, HDR2 Zone. Request that permit Z2020-0126 be reinstated. Appeal of ZEO Decision.

Chairman Hall read a letter from agent/applicant Edward Cassella, Esq. requesting this Appeal to be heard on 28 July 2021.

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.

Bob Doane P.E., L. S., introduced himself to the Board. He stated that the property is a 5,000 square foot vacant lot that contains a strip of land owned by Grove Beach Association. B. Doane described the proposed house as a 1,600 square foot house with an entrance on the south side of the home. He shared the Site Plan on the screen. B. Doane reviewed each variance request with the Board and stated that the proposed distance from the street is necessary in order to place a reserve septic sanitary system. He said that the owner's hardship related to the existing lot size and the fact that the tidal wetlands come up to almost touching the eastern property line of the lot. This puts the edge of the proposed deck 19 feet from the tidal wetlands and 16.5 feet from the property line.

B. Doane described the proposed 378 square feet of deck and stated that the reason for the five foot width is the way the house is used, important for bringing in furniture and for handicap accessibility. He told the Board that the adjacent house to the south of this property is two feet, six inches from the property line, and that the house to the north is about five feet from the property line. B. Doane stated to the Board that they are not asking for anything more than adjoining properties have and to not be able to enjoy this property as their neighbors do would be treating this property uniquely and that in itself is a hardship. He said that the major hardship is the narrow strip of Association property that divides the property. Mr. Doane commented that without that strip of property, the applicant would not need a rear yard setback variance. He addressed the CAM and stated that they

are proposing a cold tech storm water recharge chamber surrounded by stone that is designed to handle the first inch of runoff. Storage required is 89 cubic feet, while storage provided is 95 cubic feet.

Chairman Hall asked the Board if they had questions.

J. Boehme requested an explanation of the hardship. B. Doane responded that the lot was created in 1927 and is 40 feet wide, 125 feet long. He commented on the narrow nature and setbacks of the lot and stated that the proposed house is very modest. Mr. Doane said that the deck allows access to the first floor and provides an extension of the first floor. He said that the deck would be elevated for the enjoyment of the property. J. Boehme asked if designing the entrance for handicap accessibility is for right now or if that will be a design modification in the future. B. Doane replied that he is being prudent and designing that now. J. Boehme asked D. Maiden to clarify if for handicap accessibility you can be 2.5 feet off the property line.

V. Neri stated that regarding the hardship of the deck and the dimensions on the plan of 16.5 feet from the property line, he doesn't see the hardship when there are other entrance areas. B. Doane responded that the proposed two sets of stairs are for access to the house. He commented that the proposed house would meet coverage requirements because an open deck is not counted in the coverage. Mr. Doane did not feel that an eight foot wide deck is an unreasonable request. He repeated that part of the hardship is the strip of Association property present. B. Hall questioned the two entrances with the main door and inquired how many steps were proposed. B. Doane replied four risers and commented that the grade dropped under the deck.

B. Hall inquired if the basement is livable space. B. Doane stated that it is a walkout basement. B. Hall questioned if there are mechanicals in the basement. Mr. Doane commented that they can be. Regarding the **CAM**, B. Hall asked if any fill is being brought in. Mr. Doane responded no, that they would be taking fill away and said that the recharge system would go under the deck and that the lot has very favorable gravel.

D. Xenelis questioned if the non conformities were minimized with the proposed deck size.

J. Bech commented about the door that is under the porch. B. Doane said that is a slider door to the walkout basement. J. Bech asked if there is a stairway to the first floor. B. Doane answered yes.

B. Hall asked for public comment. Speaking in favor of the application was Patrick McGinley, of 58 Menunketesuck Road, adjacent neighbor, and relative, on the north side. There was no opposition.

J. Boehme asked the owner how long he had owned the property. R. McGinley responded for 30 years.

V. Neri commented that the five foot by five foot entrance on the side was very generous, not excessive, but it does create more hardships. He asked if the owners would be willing to make any adjustments to eliminate non-conformities, and said that if the applicant eliminated one side entrance, that would leave that side conforming. B. Doane stated that he is authorized to make adjustments because he knows the Board can approve the application with modifications. He stated that he could eliminate the five foot wraparound section and asked the property owner to speak on that. R. McGinley stated that his wife has trouble with stairs, and that area would be convenient for her. B. Hall responded that the Board can only look at the land, and can't look at that part of it. V. Neri stated that this adjustment would eliminate a non-conformity while still leaving three entrances.

E. Magill inquired if the property is existing non-conforming since 1927 and was it able to have a house on it at that time. B. Doane replied that if the owner built a house in 1927 there would have been no setbacks, that's how the neighbors built their houses so close to the property lines.

Mr. Doane stated that he can remove the five foot section of the deck on the northern section of the property, and that would make the north side conforming.

This Public Hearing was Closed at 7:56 p.m.

Member Jack Boehme left the meeting at 8:22 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.

This Public Meeting was Opened at 8:19 p.m. B. Hall seated Alternate Scott Hartzell to hear and vote on this Appeal.

Atty. E. Cassella introduced himself and property owner J. Femc to the Board. Atty. Cassella stated that 22 Elm Avenue is outside of the flood zone, it's a 1 1/2 story house, and has been in the family since 1977. He said that the existing house has three bedrooms and they are requesting variances to build a second floor expansion over the entire first floor. Atty. Cassella stated that the lot is a 5,900 square foot existing non-conforming lot that is conforming in the front.

B. Hall asked to confirm that the survey map E. Cassella referenced was dated 9 April 2021 and Atty. Cassella confirmed that.

Atty. Cassella stated that the proposed house would be 24' 8" total height. He spoke to the hardship saying the implementation of HDR regulations of ten feet on both sides on this existing non-conforming lot creates the hardship.

Writing letters in favor of the application were:

1. Darren Gagliardi of 28 Elm Avenue,
2. Debra Palmer and Jeffrey Plocharczyk of 27 Sunrise Road,
3. Andrea Leonardi, Philip and Irene Leonardi of 21 Sunrise Road, and
4. Pat and Tony Cozza of 22 Lilac Street.

No one spoke in opposition.

B. Hall asked if there was a basement. J. Femc responded yes. B. Hall asked if it was livable. J. Femc replied that partial was livable, one-quarter was unfinished.

Chairman Hall asked the Board if they had questions.

V. Neri asked for confirmation that the house would stay within the existing footprint. Atty. Cassella said that is correct.

S. Hartzell questioned if the existing concrete pad would be made into a covered porch. E. Cassella responded yes, that would be made into a covered porch.

This Public Hearing was Closed at 8:39 p.m.

Respectfully submitted,
Karen Amendola
ZBA Recording Clerk