

## Special Meeting

### DISTRICT OF CHAPMAN BEACH

Saturday June 28, 2014 10am

Board members present: Andy Calderoni, Ed Gales, Pete Potter, Tom Odell, Marlena Whaley, Eloise Kumnick, Patrice Horan, and Damian Ranelli. Absent Jon Dymczyk

Andy Calderoni- Quick Update of the Zone change application for 1960 and 1961 Boston Post Rd, Westbrook. Members attended the Board of Zoning meeting on Tuesday, June 24, 2014. Letters contained an error and proceedings were put off for a month. There are 2 land parcels in question. The Board of Zoning has suspended discussion. A new application was needed. Some designs changes were made such as more entrances. The building is still big. There are still safety, parking, environmental impact questions, as well as traffic safety. Members spoke against the size of the project not VISTA. Andy Calderoni circulated a protest petition as private citizen not as president of the District of Chapman Beach. There was a large turnout at the meeting which had an impact on the Zoning Board. None of the commercial owners signed the petition. There were some errors in the petition but the Zoning Board will still take it under review. The petition represented 20% of the land owners who ring the property in question. the petition forces the Zoning Board to vote with a super vote of 4 of the 5 members. There is also a concern that the builder, Mr. Barcarossa, will parlay his ownership of a tiny piece of property in the marsh on Cherry St into beach privileges for the owners of the VISTA condos.

Attorney Marjorie Shansky was introduced to the Chapman Beach community. She comes highly recommended by Matt Ranelli. Ms Shansky is here at a courtesy rate and explained to us the process of opposing this zone change. It would be an uphill battle. She feels she has come to the process a little late. Historically the court is reluctant to reverse zoning changes made by local boards unless there was an error in the process. Ms Shansky advised us to make sure we are aware of any social Zoning Board meetings. Ms. Shansky said that the process of appeal would take about 40 hrs and her rate is \$350.00 an hr. We have 15 days to appeal the ruling. The process could be very lengthy. Ms Shansky would advise moving the appeal to land court in Hartford. Various members of the community voiced their concerns. A point of clarification is that there are 3 parcels in question, not two. We realize that VISTA would make a good neighbor, we only oppose the size of the project. After much discussion the District of Chapman Beach voted on 5 motions.

Motion 1. In the event there is an unfavorable ruling, that there is a change from NCD to PRDD , the District of Chapman Beach will hire an attorney to represent us through the appeals process. Motion passed unanimously.

Motion 2. Approve \$14,000 for legal fees for the appeals process. Motion passes unanimously.

Motion 3. To hire an attorney to research the scope of beach rights and how they pass with respect to Chapman Beach. Motion passes unanimously,

Motion 4. To approve \$4000.00 for legal fees for an attorney to research the scope of beach rights and how they pass with respect to Chapman Beach. Motion passes unanimously.

Motion 5. In the event there is not time to call a special meeting the Board of Directors is given authorization to negotiate with Mr Barcarossa concerning the scope of the project.  
Meeting adjourned at 12 noon.

Respectfully submitted, Patrice Horan

