

**ZONING COMMISSION REGULAR MEETING MINUTES
MAY 28, 2019
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Dwayne Xenelis, Regular Member Mike Engels, Regular Member Lee Archer, Alternate Member George Pytlik Jr. and ZEO Eric Knapp.

CALL TO ORDER:

The meeting was called to order by Chairman Tony Marino at 7:04 p.m.

ESTABLISHMENT OF QUORUM:

Chairman Marino stated all 5 Regular Members are present.

REGULAR MEETING:

RECEIPT OF APPLICATIONS:

1. **ZC2019-003. Modification of Special Permit, Vista Life Innovations, 1356 Old Clinton Road, Parcel ID #: 176/112, CD – Commercial District. Owner/Applicant: Vista Life Innovations, Inc. Modifications to walkways, modification of lighting plan:**
Upon a motion by Harry Ruppenicker Jr., seconded by Dwayne Xenelis, it was:
VOTED: Unanimously to receive Application ZC2019-003, 1356 Old Clinton Road and to set a Public Hearing date for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.
2. **ZC2019-004. Modification of Special Permit, Valley Shore YMCA, 201 Spencer Plains Road, Parcel ID #: 163/081, LDR – Low Density Residential District. Owner: Valley Shore YMCA, Inc., Applicant: Greenskies Renewable Energy, LLC. Construction of ground-mounted solar panel array with associated equipment:**
Upon a motion by Dwayne Xenelis, seconded by Mike Engels, it was:
VOTED: Unanimously to receive Application ZC2019-004, 201 Spencer Plains Road and to set a Public Hearing date for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.
3. **ZC2019-005. Modification of Special Permit, Westbrook Place, 14 Westbrook Place, Parcel ID#: 177/007, CTC – Commercial Town Center District. Owner: Stephen Kline, Trustee, Applicant: Herbert T. Clark, III. Change of use from retail to personal service, chiropractic/neurology office, with accessory sale of health products:**
Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:
VOTED: Unanimously to receive Application ZC2019-005, 14 Westbrook Place and to set a Public Hearing date for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.
4. **ZC2019-006. Modification of Special Permit, Oxford Academy, 1331/1339 Boston Post Road, Parcel ID#: 177/132/134. Owner/Applicant: Oxford Academy, Inc., demolition of existing student center and replacement with new student center, with associated site improvements.**
Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to receive Application ZC2019-003, 1356 Old Clinton Road and to set a Public Hearing date for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

PUBLIC HEARING(s):

1. ZC2019-0002 – Comprehensive Zoning Map Amendment. 298 Individual Properties. Applicant: Westbrook Zoning Commission. Updating of Zoning Map to conform to new Zoning Regulations. Realignment of zone line to conform to lot lines. Creation of zones:

Chairman Marino stated that the purpose of the proposed map changes are to trying to make lots in only one zone and not 2 different zones and to make the map consistent with the newly approved Zoning Regulations.

Chairman Tony Marino read the following correspondence into the record:

1. Planning Commission letter dated 5/28/19 stating they find the Map Amendments to be consistent with the Plan of Conservation and Development.
2. Letter from RiverCOG stating that the proposed changes will have no impact to the ecosystem of Long Island Sound or properties along the Old Saybrook border.
3. Letter from DEEP stating they find the proposed changes consistent with CCMA
4. Letter from Keith Jensen of Jensen Communities requesting 2 discrepancies be corrected.
5. Letter from Jessica Varner and David Baker of 203 Essex Road stating they are opposed to the changes in the Zoning Map that will affect their property as well as neighboring properties.
6. Letter from Attorney John Algenius stating he is opposed to the changes that will affect 9 properties located on Boston Post Road and Osprey Circle.

At this time, Chairman Marino opened the floor to the public to speak for or against the application or to ask questions. The following members of the public spoke.

1. James Sylvester who represents VISTA stated that any changes would affect 2 of their properties – 1356 Old Clinton Road and 31 Seaside Avenue. VISTA is opposed to these changes.
2. Rosemary Mastrobattisto – 18 Bellstone Avenue is opposed to the changes because it will allow more commercial in her neighborhood.
3. Attorney Ed Dunberry (?) representing the Pilots Point Homeowners Association that consists of 67 properties. He stated that the change from CB to HDR2 will affect the set-back requirements that have been in place for over 20 years. He asked that the Public Hearing be continued so that he could have more time to review the proposed changes.
4. Bob Harris – 7 Captains Drive, Clerk of the Pilots Point Homeowners Association stated that he represents the majority of homeowners in the association and stated that they would like for there to be no changes to the zone for their entire area. He stated that he files a petition to ZEO Eric Knapp today.
5. John Waldron – 746 & 716 Boston Post Road stated that he is in favor of the zone change for these properties to NCD. He also stated that he feels that there is a discrepancy between the map and the spreadsheet provide.
Eric Knapp stated that the governing document is the map, not the spreadsheet.
6. Matt Verry of 748 Boston Post Road stated that he is opposed to the proposed change and wants his property to stay as is.

7. John Rie – Representing the Conservation Commission stated that the proposed changes are affecting 3 properties: 716, 748 and 830 Boston Post Road that is proposed to change from MDR to NCD. The Commission feels this opposes the Plan of Conservation and Development and they are opposed to this change.
8. Gayle Erikson – 21 Minnow Lane stated that she would like her area to be changed to HDR (which is not part of the proposed changes at this time).
9. Linda Scelfo – 27 Osprey Circle stated that her area is currently NCD and she would like it to be strictly residential.
10. Harry Evangelist of 24 Old Salt Works Road stated that he would like his property to stay as NCD.
11. Deborah Rie of 1 Lookout Road stated that she would sent an email, but it was not read into the record with the other correspondence. She then read the email which states she would like to see 830 Boston Post Road to MDR so there is a consistent protection of this section of the river. She further stated that she is opposed to 716, 745 and 746 Boston Post Road being changed from MDR to NCD so that they can remain consistent with nearby properties.
12. Robert Corson of 15 Old Kelsey Point Road stated he just received notification of this public hearing on Saturday and had to take a day off of work to do his research. He is opposed to the change proposed for his property.
13. Deb Ford of 3 Lookout Road also submitted an email that did not get read into the record. She read the email that states she is opposed to 716, 746 and 748 Boston Post Road being changed from MDR to NCD. She further stated that she would like 830 Boston Post Road and 35 and 26 Eckford Avenue be changed to MDR.
14. George Pytlik, property owner of 747 and 755 Boston Post Road and 13 and 23 South Lane stated that he is opposed to the proposed changes because it will reduce the value of his properties.
15. John Walsh of 745 Boston Post Road stated that he is opposed to the proposed changes because it will reduce the value of his property and he feels that there is no advantage to the proposed changes.
16. Herb Peterson, property owner of numerous properties on Grove Beach Road South and Linden Avenue South stated that he is opposed to the proposed changes because it will affect the value of his properties and the future development of any of those properties.
17. Douglas Dopp of 793 Boston Post Road stated that he is opposed to the proposed change for his property because there will be less potential for his property.
18. Terry Bennison of 32 Waldron Drive stated that he did not receive notification of this public hearing in a timely manner and is asking that more time be given to research the impact any of the proposed changes may have to his property.
19. Rosemary Mastrobattisto of 18 Bellstone Avenue stated that most of the people she has spoken to regarding the proposed changes have stated that want to maintain the zones they currently have.
20. Cooper Waldron of 716 Boston Post Road stated that he would like his zone to stay as is and he is opposed to the proposed changes.
21. Kevin McCarthy of 115 Captains Drive stated that he is opposed to the proposed changes and backs the comments made by Attorney Dunberry and Bob Harris that were stated earlier. He further stated that he would have appreciated a more in depth explanation that would point out any affect that the changes would create.
22. Kathleen Kingsman of 5 South Lane is opposed to the proposed changes because it will affect her property value.

23. John Algenius of 250D Boston Post Road and owner of Wilson Riverview Phase III stated that he is opposed to changing the properties in this area from NCD to MDR. He feels this will affect his property values and future development of 9 lots that were an approved subdivision by the Planning Commission 15 years ago. He further stated that he feels the proposal is misguided and not well prepared. He is requesting the Commission to reject the proposed changes or at least amend the proposal change for his 9 properties.

Upon a motion by Harry Ruppenicker Jr., seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to continue the Public Hearing on Application ZC2019-0002 to a Special Meeting on Tuesday, July 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

NEW BUSINESS:

1. **ZC2019-003. Modification of Special Permit, Vista Life Innovations, 1356 Old Clinton Road, Parcel ID #: 176/112, CD – Commercial District. Owner/Applicant: Vista Life Innovations, Inc. Modifications to walkways, modification of lighting plan:**
Public Hearing set for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.
2. **ZC2019-004. Modification of Special Permit, Valley Shore YMCA, 201 Spencer Plains Road, Parcel ID #: 163/081, LDR – Low Density Residential District. Owner: Valley Shore YMCA, Inc., Applicant: Greenskies Renewable Energy, LLC. Construction of ground-mounted solar panel array with associated equipment:**
Public Hearing set for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.
3. **ZC2019-005. Modification of Special Permit, Westbrook Place, 14 Westbrook Place, Parcel ID#: 177/007, CTC – Commercial Town Center District. Owner: Stephen Kline, Trustee, Applicant: Herbert T. Clark, III. Change of use from retail to personal service, chiropractic/neurology office, with accessory sale of health products:**
Public Hearing set for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.
4. **ZC2019-006. Modification of Special Permit, Oxford Academy, 1331/1339 Boston Post Road, Parcel ID#: 177/132/134. Owner/Applicant: Oxford Academy, Inc., demolition of existing student center and replacement with new student center, with associated site improvements.**
Public Hearing set for Tuesday, June 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

OLD BUSINESS:

1. **ZC2019-0002 – Comprehensive Zoning Map Amendment. 298 Individual Properties. Applicant: Westbrook Zoning Commission. Updating of Zoning Map to**

conform to new Zoning Regulations. Realignment of zone line to conform to lot lines. Creation of zones:

The Public Hearing for this application was continued to July 9, 2019 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

EXECUTIVE SESSION:

None.

COMMISSION BUSINESS:

1. Admin I position update:

ZEO Eric Knapp stated that they will be interviewing 3 applicants on 6/4/19. The final decision will be made by the Board of Selectmen.

2. ZEO Report:

Report was distributed and discussed.

- a. Mr. Knapp stated that DEEP has requested that some boulders be moved in the Pilot's Point North Yard. They need to be moved approximately 5'. The Commission asked Mr. Knapp to handle this administratively.
- b. Mr. Knapp stated that there was some unpermitted work done at 1 Brittney Lane. He has asked the property owner to come in to request the necessary permits.
- c. The new Assistant ZEO will start the position on 7/1/19.

3. Bills:

The following bills were paid out of the Zoning Commission Budget:

Recording Secretary – Kathleen Kelemen: \$65.70

Shore Publishing: \$121.50

APPROVAL OF MINUTES:

Regular Meeting – April 23, 2019:

Upon a motion by Harry Ruppenicker Jr., seconded by Dwayne Xenelis, it was:

VOTED: To approve the minutes of the April 23, 2019 Regular Meeting, as distributed. (Lee Archer abstained from the vote).

ADJOURNMENT:

Upon a motion by Lee Archer., seconded by Mike Engels, it was:

VOTED: Unanimously to adjourn at 8:26 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary