

**ZONING COMMISSION REGULAR MEETING MINUTES
FEBRUARY 26, 2019
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

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

CALL TO ORDER:

The meeting was called to order by Chairman Tony Marino at 7:00 p.m.

ESTABLISHMENT OF QUORUM:

Chairman Marino seated George Pytlik Jr. as a voting member seated for Regular Member Lee Archer.

PUBLIC HEARING(s):

3. **ZC2018-0017: Modification of Approved Special Permit, Westbrook Place 12/14 Westbrook Place, Parcel ID#177/007. Applicant Jodi Iaccarino; Owner: Steven Cline, Trustee; change of use from retail (kite store) to personal service (personal training):**

Property owner Herb Clark was present, as well as Applicant Jodi Iaccarino. They are requesting a change of use for the space at the old Kite store from Retail to Personal Service. Ms. Iaccarino is a RN LLC and a personal trainer. She will be offering personal training, Exercise and nutrition. Her classes will be small so will not affect the parking.

At this time, Chairman Marino opened the floor to public to speak for or against the application, or to ask questions. There were no members of the public whom wished to speak.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:
VOTED: Unanimously to close the Public Hearing for Application ZC2018-0017.

2. **ZC2018-0018: Modification of Approved Special Permit, Wetmore Marina, 362 & 372 Boston Post Road, Parcel ID #s: 188/181 & 182. Applicant: Black Hall Outfitters, LLC; Owner: 362 Post Road, LLC; Re-alignment of boat slips and parking areas. Relocation and reconstruction of building. Lot merger. Also CAM Application:**

ZEO Eric Knapp stated that the applicant has requested a continuance on this Public Hearing. A copy of a letter dated 2/25/19 was received from DEEP which is recommending withdrawal of the application or denial without prejudice. Attorney Ed Cassella was present and requested a continuance to the April 23, 2019 meeting.

Upon a motion by Harry Ruppenicker Jr., seconded by Dwayne Xenelis, it was:
VOTED: Unanimously to continue the Public Hearing for Application ZC2018-0118, 362 & 372 Boston Post Road until March 26, 2017 at 7:00 in the Multi-Media Room in the Mulvey Municipal Center.

REGULAR MEETING:

OLD BUSINESS:

3. **ZC2018-0017: Modification of Approved Special Permit, Westbrook Place 12/14 Westbrook Place, Parcel ID#177/007. Applicant Jodi Iaccarino; Owner: Steven Cline, Trustee; change of use from retail (kite store) to personal service (personal training):**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to approve Application ZC2018-0017, as submitted.

PUBLIC HEARING(s):

4. **ZC2018-0019: Landing of PRD Overlay Zone and Special Permit for placement of 20 unit condominium, 1935 Boston Post Road, Parcel ID#180/114. Applicants: Bocca-Des Properties, LLC & Vista Life Innovations, Inc.; Owner: Bocca-Des Properties, LLC. This is a bifurcated application/process. The landing of the floating zone, PRD, must be addressed first; (the Special Permit to approve the 20 unit condominium is a multistory building, with associated parking and improvements will rely upon the adoption of the zone):**
and:
5. **ZC2019-0001 – Special Permit for Placement of 20 unit condominium, 1935 Boston Post Road, Parcel ID #180/114. Applicants: Bocca-Des Properties, LLC & Vista Life Innovations, Inc.; Owner: Bocca-Des Properties, LLC. This application is for the underlying Special Permit to approve 20 unit condominium in a multi-story building, with associated parking and improvements will rely on the adoption of the zone:**

Attorney Ed Casella, Engineer Joe Wren, Architect Peter Springsteele and applicant Scott Desmond were present. Attorney Cassella stated that there are 2 parts: first is the request to overlay PRDD Zone to the property. Once that is approved, they are proposing a special exception for the development of the land. They meet all the requirements for PRDD. There is access to public water, Route 1 (State Highway), Egress off of Route 1, Septic System under the driveway and there will be a conservation easement. There will be no detrimental impact to the driveway. They will actually be decreasing the amount of impervious surface. Currently on the property is residential buildings and cabins, which includes 29 bedrooms. They are proposing 20 one-bedroom units, plus common space, office space and storage. All units will be sold to Vista members only (the same as Settlers Landing at 1961 Boston Post Road). A letter dated 2/20/19 was received from the Planning Commission and was read for the record, which included some recommendations. It was stated that they worked closely with the neighbors in the area to make sure all of their concerns were addressed. They are proposing to push the buildings towards Route 1 and they are proposing a lot of landscaping for a buffer and improving the wetland system on the property.

Architect Peter Springsteele went over the buildings that are being proposed and materials that will be used. The design is very close to that of Settlers Landing next door at 1961 Boston Post Rd. They are proposing 28 parking spaces with an additional 17 to be kept in reserve. There will be limited vehicles because most residents do not drive. They will be using the same landscape architect as Settlers Landing.

Helen Bosch of Vista Life Innovations gave a history of their program and how they train their members to live and work independently.

Engineer Joe Wren stated they have done a full storm water analysis which shows a decrease in run-off. They are proposing pervious eco pavers in some areas. There was concern from the Commission about who would be responsible for the maintenance of the detention basin as well as the rest of the property. It was stated that it will be the responsibility of the Condo Homeowners Association. All condo documents regarding the Homeowners Association will be reviewed and approved by the Commission's Attorney.

It was stated that the applicant received approval from IWWC. They went over the proposed septic. The Town Engineer has signed off on the plans, but they are still waiting for a letter from the Health Department. The Commission requested that the tall evergreen trees be added to the plan as part of the buffer. It was stated that there will be no beach rights with this development (the same as 1961 Boston Post Road).

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

1. Brian Rutty, Vista Member read a letter into the record.
2. Susan Miller, Vista Member also read a letter into the record.
3. Damian Ranelli – 43 Chapman Beach Drive stated that he feels that developing this property will compound the flooding issues at 1961 Boston Post Road. Mr. Ranelli gave a history of the problems with his property since the development of 1961. Mr. Ranelli submitted, in writing and pictures of all the correspondence he has regarding the matter. He stated that he feels that any further development will affect downstream.
4. Pete & Judy Niro – 33 Chapman Avenue stated that they are in favor of the proposal.

Engineer Joe Wren addressed comments made by Damian Ranelli. He stated that the applicants Engineer, the Town Engineer and an Engineer hired by the District of Chapman Beach have all approved the design proposed by the applicant. He further stated that 1961 Boston Post Road has nothing to do with this proposal. Mr. Wren submitted paperwork to refute Mr. Ranelli's statements and stated that this year has had above normal precipitation.

Chairman Marino stated that the Commission recognizes that 1961 and 1935 are separate properties, but would hope that the developer will work with Mr. Ranelli to address his issues.

At this time a letter has not been received from DEEP regarding the CAM application and they are still waiting for a letter from the Health Department.

Upon a motion by Harry Ruppenicker Jr., seconded by Dwayne Xenelis, it was:
VOTED: Unanimously to continue the Public Hearing for Applications ZC2018-0019 and ZC2019-0001, 1961 Boston Post Road until March 26, 2017 at 7:00 in the Multi-Media Room in the Mulvey Municipal Center.

At 9:20 p.m. The Commission took a break.
The meeting reconvened at 9:27 p.m.

1. ZC2018-0016 – Comprehensive updating and revision of Westbrook Zoning Regulations. Westbrook Zoning Commission, Applicant:

Chairman Marino read a letter dated 2/13/19 from RiverCog into the record.

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. Attorney Sylvia Rutkowska submitted letters dated 2/7/19 and 2/21/19 that request changes to the text of the proposed language for Sections 3.B.9.a-d and 6.D. These requests are in reference to 1660 Boston Post Road, which is property owned by Lyman Development Corp.

Chairman Marino stated that he would like to see wording that would allow discretion by the Commission.

Upon a motion by Harry Ruppenicker Jr., seconded by George Pytlik Jr., it was **VOTED:** Unanimously to continue the Public Hearing for Application ZC2018-0016, until March 26, 2017 at 7:00 in the Multi-Media Room in the Mulvey Municipal Center

REGULAR MEETING:

RECIPT OF APPLICATIONS: None.

NEW BUSINESS: None.

OLD BUSINESS:

1. ZC2018-0016 – Comprehensive updating and revision of Westbrook Zoning Regulations. Westbrook Zoning Commission, Applicant:

The Public Hearing for this application was continued to March 26, 2019.

2. ZC2018-0018 - Modification of Approved Special Permit, Wetmore Marina, 362 & 372 Boston Post Road, Parcel ID #s: 188/181 & 182. Applicant: Black Hall Outfitters, LLC; Owner: 362 Post Road, LLC; Re-alignment of boat slips and parking areas. Relocation and reconstruction of building. Lot merger. Also CAM Application:

The Public Hearing for this application was continued to March 26, 2019.

3. ZC2018-0019: Landing of PRD Overlay Zone and Special Permit for placement of 20 unit condominium, 1935 Boston Post Road, Parcel ID#180/114. Applicants: Bocca-Des Properties, LLC & Vista Life Innovations, Inc.; Owner: Bocca-Des Properties, LLC. This is a bifurcated application/process. The landing of the floating zone, PRD, must be addressed first; (the Special Permit to approve the 20 unit condominium is a multistory building, with associated parking and improvements will rely upon the adoption of the zone):

The Public Hearing for this application was continued to March 26, 2019.

4. ZC2019-0001 – Special Permit for Placement of 20 unit condominium, 1935 Boston Post Road, Parcel ID #180/114. Applicants: Bocca-Des Properties, LLC & Vista Life Innovations, Inc.; Owner: Bocca-Des Properties, LLC. This application is for the underlying Special Permit to approve 20 unit condominium in a multi-story building, with associated parking and improvements will rely on the adoption of the zone:

The Public Hearing for this application was continued to March 26, 2019.

EXECUTIVE SESSION:

None.

COMMISSION BUSINESS:

1. Assistant Zoning Enforcement Officer position update:

Eric Knapp stated that the positions for Assistant ZEO and Administrative I have been posted. The closing date is 3/15/19.

2. ZEO Report:

Distributed and discussed.

3. Discussion of Performance Evaluation of ZEO:

Chairman Marino stated that because the title and job description changed, the evaluation will be six months from the change date.

4. Bills:

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

WB Mason: \$134.36

Recording Secretary – Kathleen Kelemen - \$91.98

Planimetrics: \$1,000.00

Halloran & Sage: \$111.00

APPROVAL OF MINUTES: Regular Meeting – January 22, 2019:

Upon a motion by Harry Ruppenicker Jr., seconded by George Pytlik, it was:

VOTED: Unanimously to approve the minutes of the January 22, 2019 Regular Meeting, as distributed.

ADJOURNMENT:

Upon a motion by Dwayne Xenelis, seconded by Mike Engels, it was:

VOTED: Unanimously to adjourn at 10:03 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary