

ZONING COMMISSION REGULAR MEETING MINUTES

JULY 26, 2021

7:00 PM

Multi-Media Room - Mulvey Municipal Center

Members Present: Chairman Harry Ruppenicker Jr., Vice Chairman Dwayne Xenelis, Regular Member Vincent Gentile, Regular Member Mike Engels, Alternate Member George Pytlik, ZEO Eric Knapp and Commission Attorney Matt Willis.

CALL TO ORDER:

The meeting was called to order by Chairman Ruppenicker at 7:03 p.m.

ESTABLISHMENT OF QUORUM:

4 of 5 Regular Members were present.

A. RECEIPT OF APPLICATIONS:

1. ZC2021-0012 – 173 Old Salt Works Road. Map 192, Lot 039. High Density Residential (HDR) Zone. Coastal Area Management site plan approval. Owner and Applicant: Leonard Goldberg. Proposed Cabana and associated improvements, greater than 200 square feet, requires CAM permit per Section 4.B.3.7”

The applicant is still waiting for comments from DEEP regarding the application.

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

VOTED: Unanimously to receive application ZC2021-0012, 173 Old Salt Works Road.

B. PUBLIC HEARINGS:

2. 4 Grove Beach Road North, Map 187, Lot 142. Amendment to Special Permit. Change of use, from medical offices to brewpub pursuant to Section 3.B.3.f of the Zoning Regulations. Neighborhood Commercial District (NCD) Zoning District. Applicant: Richard Lemieux. Owner: KJK Holdings LLC. Map 187, Lot 142. Use of approximately 2,500.00 square feet of space to manufacture and distribute beer, cider and seltzers. 80 indoor seats. 24 outdoor seats:

Applicant Richard Lemieux was present and stated that this building has shared parking with other units within.

At this time, Chairman Ruppenicker opened the floor to speak for or against the application or to ask questions. There was no one from the public whom wished to speak.

Upon a motion by Vincent Gentile, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to close the Public Hearing for Application ZC2021-0010, 4 Grove Beach Road North.

3. ZC2021-0011 – 866 Boston Post Road. Petition to Amend the Zoning Regulations. Text Amendment. Applicant: Westbrook Zoning Commission. Owner: Town of Westbrook. Amendment to Table 2.C.2 of the Zoning Regulations to alter setbacks in HDR2 Zone, allowing 20’setback from center of road for decks, stairs & landings, handicapped ramps and HVAC systems, while requiring dwellings and outbuildings to maintain a 30’ setback from the center of road:

At this time, Chairman Ruppenicker opened the floor to speak for or against the application or to ask questions. There was no one from the public whom wished to speak.

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

VOTED: Unanimously to close the Public Hearing for Application ZC2021-0011, Town of Westbrook.

C. REGULAR MEETING:

OLD BUSINESS:

2. 4 Grove Beach Road North, Map 187, Lot 142. Amendment to Special Permit. Change of use, from medical offices to brewpub pursuant to Section 3.B.3.f of the Zoning Regulations. Neighborhood Commercial District (NCD) Zoning District. Applicant: Richard Lemieux. Owner: KJK Holdings LLC. Map 187, Lot 142. Use of approximately 2,500.00 square feet of space to manufacture and distribute beer, cider and seltzers. 80 indoor seats. 24 outdoor seats:

Upon a motion by Vincent Gentile, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to approve Application ZC2021-0010, 4 Grove Beach Road North including the Planning Commission's concern with shared parking with other businesses in the building.

3. ZC2021-0011 – 866 Boston Post Road. Petition to Amend the Zoning Regulations. Text Amendment. Applicant: Westbrook Zoning Commission. Owner: Town of Westbrook. Amendment to Table 2.C.2 of the Zoning Regulations to alter setbacks in HDR2 Zone, allowing 20' setback from center of road for decks, stairs & landings, handicapped ramps and HVAC systems, while requiring dwellings and outbuildings to maintain a 30' setback from the center of road:

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

VOTED: Unanimously to approve Application ZC2021-0011, Town of Westbrook, finding it consistent with the Plan of Conservation and Development, with an effective date of September 1, 2021.

B. PUBLIC HEARINGS:

1. ZC2021-0009. 7 parcels, including: Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), 1572 Boston Post Road (Map 181 / Lot 006), and Boston Post Road (Map 181 / Lot 188). Application for affordable multifamily community, "Dattilo Village," pursuant to Conn. Gen. Stat. § 8-30g. Existing Zones: Neighborhood Commercial District (NCD) and Medium Density Residential (MDR). Owners and Applicants: Dattilo Family Holdings, LLC and Michael Dattilo. Four-part application to: create a new zone, § 5.D, "Dattilo Village Zone" ("DVZ"); rezone all of Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), and a portion of 1572 Boston Post Road (Map 181 / Lot 006), to DVZ; Site Plan approval for 38 one-bedroom apartments in four buildings, of which 30% (12 apartments) will be formally rent-restricted consistent with the requirements of Conn. Gen. Stat. § 8-30g; and Coastal Area Management Site Plan approval. The Applicants also are seeking a lot line revision consistent with this application, but the lot line revision is not subject to Commission review:

Attorney Andrea Gomes, Attorney Leah Rubegga, Applicant Claudio Marasco, Engineer Al Wolfgram, Landscape Architect Whitney Talcott, Architect Marc Petrin, Traffic Engineer Scott Hesketh and Beau Dubray were all present. Attorney Gomes discussed all updates made on the application since the June meeting. A tabbed booklet was distributed to all members. All

information received was posted on line and made available to the public for their review. After discussion of updates, Dwayne Xenelis stated that he feels that the non-paving on Kirtland Street is a safety issues considering the amount of traffic that will be exiting and entering all day, every day. Ms. Gomes stated that the proposed road does comply with Fire Standards. The applicant submitted a picture of a similar drive used at the Copper Beach in in Essex, CT. Chairman Ruppenicker stated that a comparison to a parking lot of a restaurant is not fair and feels that due to higher traffic, ruts in the road will develop. Mr. Ruppenicker also stated his concern for plowing issues if the surface is gravel. There was discussion regarding 3 options for the driveway: as proposed, paved 40' from Route 1 or having the entire driveway paved. All members with the exception of Mike Engels felt that the driveway should be completely paved for safety reasons. Dwayne Xenelis stated his concern about there being adequate water lines into the development because the buildings will have sprinkler systems. There was discussion regarding having an engineered plan for the water lines that must be approved by Connecticut Water Company prior to the construction of any of the buildings. There was discussion regarding possible conditions for approval of the application. Scott Hesketh still needs to make application to the CT DOT and comply with all their requirements.

At this time, Chairman Ruppenicker opened the floor to speak for or against the application or to ask questions. There was no one from the public whom wished to speak.

Upon a motion by Vincent Gentile, seconded by Chris Bazinet, it was:

VOTED: Unanimously to close the Public Hearing for Application ZC2021-0009.

C. REGULAR MEETING:

OLD BUSINESS:

1. ZC2021-0009. 7 parcels, including: Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), 1572 Boston Post Road (Map 181 / Lot 006), and Boston Post Road (Map 181 / Lot 188). Application for affordable multifamily community, "Dattilo Village," pursuant to Conn. Gen. Stat. § 8-30g. Existing Zones: Neighborhood Commercial District (NCD) and Medium Density Residential (MDR). Owners and Applicants: Dattilo Family Holdings, LLC and Michael Dattilo. Four-part application to: create a new zone, § 5.D, "Dattilo Village Zone" ("DVZ"); rezone all of Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), and a portion of 1572 Boston Post Road (Map 181 / Lot 006), to DVZ; Site Plan approval for 38 one-bedroom apartments in four buildings, of which 30% (12 apartments) will be formally rent-restricted consistent with the requirements of Conn. Gen. Stat. § 8-30g; and Coastal Area Management Site Plan approval. The Applicants also are seeking a lot line revision consistent with this application, but the lot line revision is not subject to Commission review;

Upon a motion by Vincent Gentile, seconded by Chris Bazinet, it was:

VOTED: Unanimously to approve CAM Application ZC2021-0009.

Upon a motion by Dwayne Xenelis, seconded by Chris Bazinet, it was:

VOTED: Unanimously to approve Application ZC2021-0009 - 7 parcels, including: Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), 1572

Boston Post Road (Map 181 / Lot 006), and Boston Post Road (Map 181 / Lot 188). Application for affordable multifamily community, "Dattilo Village," pursuant to Conn. Gen. Stat. § 8-30g. Existing Zones: Neighborhood Commercial District (NCD) and Medium Density Residential (MDR). Owners and Applicants: Dattilo Family Holdings, LLC and Michael Dattilo. Four-part application to: create a new zone, § 5.D, "Dattilo Village Zone" ("DVZ"); rezone all of Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), and a portion of 1572 Boston Post Road (Map 181 / Lot 006), to DVZ; Site Plan approval for 38 one-bedroom apartments in four buildings, of which 30% (12 apartments) will be formally rent-restricted consistent with the requirements of Conn. Gen. Stat. § 8-30g

The effective date of Section 5.D of the Zoning Regulations shall be September 1, 2021. The proposed amendment to the Westbrook Zoning Map locating the Dattilo Village Zone on the following parcels: (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), and a portion of 1572 Boston Post Road (Map 181 / Lot 006) shall also be effective on September 1, 2021.

Being that the application is found to be consistent with the Plan of Conservation and Development, this approval is granted based on the following conditions of approval:

1. All conditions set forth by the Applicant's Supplemental Materials dated June 21, 2021, Tab 1, Page 3:
 1. The applicant shall submit to Westbrook Town staff a Phase II Environmental Assessment Report, in accordance with ASTM and Connecticut DEEP standards, with respect to the parcel located at 32 Kirtland Street, Westbrook, Ct.
 2. If contamination is discovered at any of the areas of concern or interest noted by ALTA Environmental Corporation in its Phase I summary report for 32 Kirtland Street, the applicants shall remediate those areas in accordance with CT DEEP standards, to the satisfaction of the Westbrook Town staff.
 3. The applicants shall effectuate, to the satisfaction of Westbrook Town staff, the lot line revision depicted on Sheet C-2 of the plans entitled "Dattilo Village", prepared by A-L Consulting, LLC and the Property Boundary and Lot Revision Plan, prepared by Resource Management and Mapping, as revised through the date of the Commission' approval.
 4. The applicants shall maintain all improvements proposed on the subject properties, including driveway, landscaping, parking and drainage improvements, in accordance with the plans entitled "Dattilo Village, Westbrook, CT," prepared by A-L Consulting, LLC and the plans entitled "Dattilo Village," prepared by Talcott & Associates, as revised through the date of the Commission's approval.
 5. As required by General Statutes 8-30h and the Affordability Plan proposed in this application, the applicants, or their agents and assigns, shall provide annual certification to the Zoning Commission that the Dattilo Village community continues to be in compliance with the requirements of the Connecticut Affordable Housing Land Use Appeals Act, General Statutes 830g, et seq., as amended

6. The applicants shall obtain final approval from the Westbrook Health Department of the Engineer Plan Review application for the septic system proposed for the Dattilo Village.
2. All conditions set forth in the May 12, 2021 motion to approve the Inland Wetlands Application by the Westbrook Wetlands Commission: Including the incorporation of the previous 21 stipulations of the original approval with the exception of condition #18, which was modified to read “No site work can be done without the approved CT DEEP General Stormwater Permit. And the following new conditions”
 - a. The applicants have submitted to the Westbrook town staff a Phase I Environmental Assessment Report, in accordance with ASTM and Connecticut DEEP standards, with respect to the parcel located at 32 Kirtland Street, Westbrook, CT.
 - b. The applicants shall submit to the Westbrook town staff a Phase II Environmental Assessment Report, in accordance with ASTM and Connecticut DEEP standards, with respect to the areas of concern and interest noted by ALTA Environmental Corporation in its Phase I summary report for 32 Kirtland Street, Westbrook, CT.
 - c. If contamination is discovered at any of the areas of concern or interest noted by ALTA Environmental Corporation in its Phase I summary of 32 Kirtland Street, Westbrook, CT, the applicants shall remediate area in accordance with CT DEEP standards of the Westbrook town staff.
 - d. If contamination is discovered and remediation of said contamination potentially may impact a nearby regulated area, the applicants shall seek a further amendment to the regulated activities permit No. 316.
3. All requirements contained in the review letter prepared by Nathan L. Jacobson & Associates, dated June 25, 2021.
4. The following recommendations set forth in the review memorandum prepared by Eric Knapp, Planning, Zoning & Development Coordinator, in memorandum dated June 21, 2021.
 - a. The final Affordability Plan, lot merger and lot line revision documents and all other legal documents and all other legal documents required to effectuate this application be subject to reasonable review by the Commission’s consulting counsel.
5. The upgrading of Kirtland Street to the satisfaction of the Town Engineer, as recommended in correspondence dated 7/23/21 from Tom Fenton that the entire driveway be paved, as well as the evaluation of feasibility of creating a walkway along Kirtland Street to the north side of Boston Post Road.
6. The affordable units shall be distributed within the four proposed buildings as shown on the submitted plans, or in a similar configuration. No two affordable units are to be adjacent to each other.
7. The applicant shall obtains an encroachment permit from the Connecticut Department of Transportation and comply with all stipulations of said permit.
8. Applicant will clear the area around the entrance to Kirtland Street on Route 1 in both directions for site-line safety.

9. The applicant must obtain approval of an engineered water extension plan, from the Connecticut Water Company prior to construction of the buildings, based on the most current drawings at that time.

COMMISSION BUSINESS:

1. **ZEO Report:**

- Mr. Knapp updated the members in regards to what is happening at Whitmore Marina. They will need to submit a revised application within the next 90 days.

2. **Bills:**

Upon a motion by Vincent Gentile, seconded by Chris Bazinet, it was:

VOTED: Unanimously to approve payment of the following bills:

Shore Publishing - \$357.00

Recording Secretary - \$125.24

APPROVAL OF MINUTES: Regular Meeting Minutes of June 28, 2021:

Upon a motion by Vincent Gentile, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to approve the minutes of June 28, 2021, as distributed.

ADJOURNMENT:

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

VOTED: Unanimously to adjourn at 8:45 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary