

**WESTBROOK ZONING COMMISSION
REGULAR MEETING
January 25, 2011
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Chris Ehlert, Regular Member Tom Belval, Alternate Member Dwayne Xenelis and ZEO Nancy Rudek.
Also Present: Town Planner Meg Parulis, Town Engineer Wendy Coffin and Michael Pill.

CALL TO ORDER: Chairman Tony Marino called the regular meeting to order at 7:00 p.m.

ESTABLISHMENT OF QUORUM Chairman Marino seated Alternate Member Dwayne Xenelis for Lee Archer.

AGENDA ADDITIONS

Upon a motion by Harry Ruppenicker Jr., seconded by Chris Ehlert, it was:

VOTED: Unanimously to add the following items to the agenda:

- Under Old Business: Z0618 Boston Post Road & Chapman Beach Road – Request for 6-month extension on Special Permit (originally approved 4/24/07 for a 5-unit apartment building.
- Under Commission Business: Bills: add \$45.00 to the CT Bar Association and \$30.00 to CAZEO.

PUBLIC HEARING: None.

RECEIPT OF APPLICATIONS: None.

NEW BUSINESS:

1. Proposed Stormwater Management Regulation – Attendance by Woodard & Curran to review draft amendment to stormwater management:

Town Planner Meg Parulis and Town Engineer Wendy Coffin were present. Meg Parulis stated that she has been working with Ms. Coffin because the stormwater management need to be consistent between the land use departments. The regulations will have to be adopted into the zoning regulations. There will be a Public Hearing for this on March 14, 2011. Ms. Parulis gave a history of how they have gotten to this point. ZEO Nancy Rudek asked that Ms. Parulis and Ms. Coffin sit down with her and randomly pick 5 properties and go over how the changes would affect an application. It was stated that these regulations could affect the cost of development of properties and will also increase Land Use Fees for the Town. They will be sending a copy of the proposed regulations to area Engineers that work with the town often for their review. Dwayne Xenelis suggested making an adjustment to acreage and percent by zone. The Zoning Commission thinks that the proposed regulations are a good idea, but feel that they need a little more review

and tweaking before the public Hearing. Ms. Parulis and Ms. Coffin will review them again before the public hearing and make any suggested changes.

OLD BUSINESS:

1. Z0618 Boston Post Road & Chapman Beach Road – Request for 6-month extension on Special Permit (originally approved 4/24/07 for a 5-unit apartment building.

Upon a motion by Chris Ehlert, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to approve a 6 month extension from January 28, 2011 for Zoning Permit #Z0618.

MISCELLANEOUS:

1. Informal discussion on possible Arcade/Entertainment Center:

Michael Pill was present and stated that he is looking for guidance from the Zoning Commission regarding the possibility of opening an Arcade/Entertainment Center. He stated that he has been working on this project since July of 2010. He feels that there is nothing in town for kids in a family environment. There is a vacant building at the front of Water's Edge. He is looking to limit the hours of operation and will not be a full time business. He would probably be open the 13 weeks of summer from 12:00 noon to 8:00 p.m. and then Wednesday through Sunday the rest of the year. The current Zoning Regulations state that there can be no more than 3 video operating machines. There will be no site changes made, there will be no food, only vending machines. Chairman Marino gave a background of the original regulation for the limitation and voiced his concerns. He is concerned about other Arcades opening all over town and the concern about available parking. Mr. Pill did go to ZBA for a variance regarding this regulation, but was denied because they feel that this is a Zoning issue. Chairman Marino explained that Mr. Pill would have to apply for a permit for a proposed text amendment, including addressing the parking, to the Zoning Regulations and would also have to apply for a Special Permit. The timing for this could possibly be 2 to 3 months because it would have to go to Public Hearing. Chairman Marino stated that staff and Commission Members are willing to work with Mr. Pill to get him to the point of the application.

2. Increase in Legal Fees

A letter dated January 6, 2011 was received from Branse, Willis & Knapp, LLC stating that they are increasing their fees by \$20.00 an hour which is a 2% increase. ZEO Rudek stated that they have not increased their fees since July 1, 2004. The Commission is happy with the firm and agree to the increase.

COMMISSION BUSINESS

1. ZEO Report: Report was distributed and discussed.

2. Miscellaneous Correspondence:

- a. Copy of motions made at the 1/13/11 Board of Selectmen Meeting.
- b. Copy of CAM review by DEP OLISP on Old Mail Trail.
- c. Copy of Correspondence dated 1/5/11 to property owner at 39 Grove Beach Road North from the Land Use Department.
- d. Copy of letter dated 1/11/11 from ZEO Nancy Rudek to Nathanael T. Lee of 54 Menunketsuck Road regarding possible retaining wall.
- e. Copy of State Marshal correspondence regarding property on West Pond Meadow Road.
- f. Copy of letter to Mr. Robert Pinder from ZEO Nancy Rudek dated 1/13/11 regarding property at 41 Boston Post Road.
- g. Copy of IWWC 1/4/11 Meeting Minutes.

- h. Copy of e-mail dated 1/19/11 from ZEO Nancy Rudek to property owners of 139 Grove Beach Road South.
- i. Copy of letter dated 1/5/2011 from Town Clerk Joan Angelini regarding proposed amendments to the Town of Killingworth Zoning Regulations.

3. Zoning Regulation Amendments – distribution of draft amendments for 3/14/11 Public Hearing:

ZEO Nancy Rudek distributed the proposed regulation changes. They still need some work before the public hearing schedule for 3/14/11. Town Planner Meg Parulis will also review the proposed changes. The public hearing on 3/14/11 will be for Stormwater Management Regulations, Aquifer regulations, Lighting Regulations, Accessory Apartment Regulations and Flood Zone Regulations.

4. Bills:

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

- **VOTED:** Unanimously to approve payment of the following invoices out of the 2010/2011 Regular Budget: \$87.00 to Branse, Willis & Knapp for General Legal; \$64.72 to Kathleen Kelemen for Secretarial duties; \$744.93 to W.B. Mason for miscellaneous Office Supplies, \$45.00 to State Marshal Michael Casserino for delivery of C&D – 728 West Pond Meadow Road, \$45.00 to the CT Bar Association for Chairman attendance at CT Land Use Seminar on 3/12/11 and \$30.00 to CAZEO for 2011 Annual Membership Dues – CT Association of Zoning Enforcement Officials.

APPROVAL OF MINUTES: December 28, 2010 Regular Meeting

Upon a motion by Chris Ehlert., seconded by Tom Belval, it was:

VOTED: Unanimously to approve the minutes of the Regular Meeting minutes of December 28, 2010.

ADJOURNMENT

Upon a motion by Chris Ehlert, seconded by Tom Belval, it was:

VOTED: Unanimously to adjourn at 9:30 pm.

Respectfully submitted:

Kathleen H. Kelemen, Secretary