

ZONING COMMISSION REGULAR MEETING MINUTES
February 15, 2012
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM

Members Present: Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Dwayne Xenelis, Regular Member Lee Archer, Alternate Member Mike Engels, Alternate Member Linda Nolf and ZEO Nancy Rudek.

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

ESTABLISHMENT OF QUORUM: Upon a motion by Lee Archer, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to seat Mike Engels as a voting member, sitting for Tom Belval.

AGENDA ADDITIONS: None.

PUBLIC HEARING(s):

Upon a motion by Dwayne Xenelis, seconded by Lee Archer, it was:

VOTED: Unanimously to recess the Regular Meeting and open the Public Hearing portion of the Meeting.

1. **Z2012-01 – 185 Horse Hill Road – Public Hearing on a Special Permit Application of the Town of Westbrook for a proposed municipal garage facility and tow 10’ x 40’ storage containers (Property ID #185/006) RR Zone District. Applicant: John Riggio/Property Owner: Town of Westbrook. (35-day Public Hearing period ends 3-21-12):**

At this time, Chairman Tony Marino stated that he is Chairman of the Town Garage Building Committee, but has no financial interest in the facility. Therefore, he will sit for this application.

Alan Nafis of Weston & Sampson and John Comeau, Project Engineer were present and submitted revised plans. Mr. Nafis gave a history of the project. They are proposing a new building on the property of 6400 sq. ft. (if funds allow) or 4700 sq. ft. (if funds are not available to build the larger facility). They do have “Bid Alternates” due to budget restrictions. They will be building right up to the curb to avoid the ledge and any blasting. Everything proposed is within the set-back lines. Mr. Nafis went over the different areas of proposed storage and what items will be stored. The existing gas pumps will remain as they are. There is a dumpster proposed and it will be gated and fenced. They are proposing a propane tank to be located behind the building. There is also a generator pad proposed in the same area. They are proposing 13 parking spaces: 7-9 for employees, 1 handicap and 6 for visitors. They will not be adding any impervious surface, so no additional drainage will be needed, but they will be re-routing the drainage around the

new building. The drainage from the roof drains will be collected and brought underground. The proposed septic is still being designed. The run-off from the bays will go out back to a tight tank and be emptied as necessary. Connecticut water will be brought into the facility by way of Route 145. A fire hydrant will also be added. All power is existing and is located underground.

Landscaping: They will be planting Arborvitaes outside the fence and further up on the inside to screen the area. There is already a good amount of screening for the neighbors across the street and to the south.

Lighting: The lighting plan has not been submitted yet, but they did submit pictures of what currently exists. They are not proposing any additional stand alone lighting, only what will be on the building. They are proposing emergency lighting over the egress doors and lighting above each overhead door. The lights will be shining downward.

John Comeau, Architect showed the proposed building for the 6400 sq ft proposal. 1500 sq. ft. will be office and support space, the remainder will be vehicle storage and maintenance. The building will have a gable roof and the entire height is 28'. With this height, they will have the ability to raise the trucks to do maintenance. There will also be a mezzanine for storage in this building. The bid alternates are a storage bay and small equipment storage. The building will be pre-engineered metal. There will be 4 bay doors. The colors will be earth tones, similar to the existing salt shed. The existing security fence is 8' high.

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

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

VOTED: Unanimously to close the public hearing on application Z2012-01 – 185 Horse Hill Road.

At this time, Member Dwayne Xenelis stated that he would like to recuse himself from this application. Therefore, Chairman Marino seated Linda Nolf as a voting member, sitting for Dwayne Xenelis.

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

VOTED: Unanimously to re-convene the Regular Meeting portion of the meeting at 7:35 p.m.

Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:

VOTED: Unanimously to approve, with stipulations, Special Permit Application Z2012-01 – 185 Horse Hill Road, to allow the Use of a Municipal Garage and construction of that structure, with two storage container structures and site improvements, as depicted on the Revised Site

Plans. This approval is granted subject to conformance with the referenced plans and the following conditions:

Referenced Plans:

- “town of Westbrook – New Department of Public Works Facility, 185 Horse Hill Road, Westbrook, CT / Zoning submission dated January 12, 2012 (except as noted), prepared by Weston & Sampson, Rocky Hill, CT.
- Cover Sheet;
- Sheet G-1 Abbreviations, Notes and Legend;
- Sheet C-1 Existing Conditions Plan;
- Sheet C-2 Demolitions, Erosion & Sedimentation Control Plan;
- Sheet C-3 Proposed Site Plan (north);
- Sheet C-4 Proposed Site Plan (south);
- Sheet C-5 Water Details;
- Sheet C-6 Utility Details;
- Sheet C-7 Details;
- Sheet C-8 Details;
- Sheet C-9 Details;
- Sheet A101 Floor Plan and Roof Plan 1/9/12;
- Sheet A301 Building Elevations 1/9/12.

Referenced Documents:

- Stormwater Management Report, Town of Westbrook New Public Works Facility, 185 Horse Hill Road (S.R. 145) Westbrook, CT, prepared by Weston & Sampson, dated December 2011.
- Statement of Use via email from Alan Nafis, dated January 24, 2012.

Additional Stipulations by the Zoning Commission:

1. At time of Building Permit submittal, a Final Sheet C-3 shall be submitted specifying Building Alternative #1, #2, and/or #3.
2. Parking lot Lighting is not being proposed – any changes shall be submitted on a plan to be reviewed by the Town Engineer, in accordance with the Zoning Regulations for Exterior Lighting.
3. All signage shall be on a Sign Permit Form and reviewed by the ZEO.
4. A detailed sheet will be submitted that shows full-cut-off type fixtures for installation on the building, in conformance with the Zoning Regulations.
5. A color palette for the building will be submitted for review by the Town Planner.

General Conditions:

1. One final set of paper plans, and mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Chairman within 45 days following approval. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns. **A copy of the Certificate of Decision shall be**

- recorded in the Land Records** of the Town of Westbrook, CT. (*CGS 8-3c – Such permit or exception shall become effective upon the filing of a copy thereof in the office of the town...and, in the land records of the town in which the affected premises are located.*) The Town Clerk shall index the same in the grantor's index under the name of the record owner or owners, and the record owner shall pay the required sum of such recording.
3. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance.
 4. In accordance with Section 6.60.01 of the Zoning Regulations, any approval of a site plan application shall be completed within five (5) years after approval of the Plan.
 5. This project shall be constructed and maintained in accordance with the filed plans. Modifications to the approved plans shall be reviewed by the Zoning Commission. If minor modifications result in a lesser impact, they may be allowed subject to staff review and approval.
 6. Any modifications to the proposed parking details or layout are considered modifications requiring review by the Zoning Commission.

NEW BUSINESS: None.

RECEIPT OF APPLICATIONS: None.

OLD BUSINESS:

- 1. Z2011-16 – 1551 Boston Post Road** – Continued Site Plan Application for a proposed Tropical Smoothie Café in the Existing 'Rich' Building, on the site of Water's Edge Resort and Spa. Applicant: Michael Pill / Property owner; 1551 Boston Post Road Associates, Inc. (Property ID #182/012). (65-day application period ends 03/29/12) [possible deliberation & vote]:

At this time, Mike Engels remained seated as a voting member. Linda Nolf was removed as a voting member, and Dwayne Xenelis returned as a voting member.

Joe Datillo and Michael Pill were present. The Commission asked what was being proposed for parking. Mr. Datillo stated that they are proposing 6 tables of 4, 1 table of 2 and 8 counter seats, for a total of 34 seats. They are proposing 14 parking spaces which meets the Zoning Regulations. The applicants were questioned about employee parking. There is parking across the street in the extra lot for employees. There will be no outdoor seating. The matter of signage is all set.

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

VOTED: Unanimously to approve Zoning Application Z2011-16 – 1551 Boston Post Road for a Site Plan to permit the use of a Café using 1,000 sq. ft. within an existing

building known as “the Rich building”, with 7 tables for a total seating capacity of 34, subject to approval by the Health Department and any other agency approvals.

Approval is granted in accordance with the referenced Plans:

- Copy of Site Plan Modifications, dated February 11, 2010, outlining 16 parking spaces for this Café use, based on section 10.06.18 of the Zoning Regulations for Restaurant parking standards. The proposed Café use is predominantly take-out.
- Floor Plan of Tropical Smoothie Café, dated February 1, 2012 indicated 7 tables of 26 seats and 8 counter seats = total seating shown: 34 seats.
- Statement of Use – dated February 1, 2012 providing:
 1. Hours of Operation, 7 days/week, 8:00 a.m. to 8:00 p.m. (9 p.m. during summer months).
 2. Number of seats: 34.
 3. Signage: Less than 150 sq ft per Regulation 10.22.07, letters affixed to Rich building in accordance with permit application and visual design prototype to town for approval.
 4. Parking standards: (1) space for every three (3) seats plus one (1) space for every three (3) tables, or (1) space for every seventy-five (75) sq. ft. of gross floor area plus one (1) space for every employee during the largest shift, whichever is greater.

Additional Stipulations by Zoning Commission:

1. Signage will be used by replacement of a former tenant sign on the existing Main Unified Free-Standing Sign at the northern boundary of the site.

MISCELLANEOUS:

1. Enforcement Matters:

Paperwork was distributed on the following enforcement Matters. Some items were discussed:

- a. Citation for Westbrook Toyota, 80 Flat Rock Place.
- b. Cease & Desist: 1525 Boston Post Road, Water’s Edge
- c. 45 Salt Island Road, illegal 3-family residential dwelling.
- d. 165 Salt Island Road, illegal 3-family residential dwelling
- e. 846 East Pond Meadow Road, condition of site have not improved..

ADJOURNMENT

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

VOTED: Unanimously to adjourn this Regular Meeting at 7:55 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary