

**ZONING COMMISSION SPECIAL MEETING MINUTES  
MARCH 4, 2015  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Lee Archer, Regular Member Dwayne Xenelis, Regular Member Harry Ruppenicker Jr., Regular Member Mike Engels, Alternate Member Linda Nolf (at 7:04 p.m.), and ZEO Nancy Rudek.

**CALL TO ORDER:** The meeting was called to order by Chairman Tony Marino at 7:01 p.m.

**ESTABLISHMENT OF QUORUM:**

Chairman Marino stated that all Regular Members of the Commission were present.

**AGENDA ADDITIONS:**

None.

**VISITOR – Andrew Urban, Finance Director – Discussion of Digital use by ZC:**

Mr. Urban was not present at the meeting.

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

**VOTED:** Unanimously to recess the Regular Meeting portion of the meeting and open the Public Hearing portion of the meeting at 7:02 p.m.

**PUBLIC HEARINGS:**

**1. ZC-2014-022 – 1961 Boston Post Road – (Map/Lot 180/113 &174) – Site Plan Application for an Affordable Housing Development, pursuant to CGS8-30g, consisting of 24 new residential units on a lot with an existing structure. Owner 1961 Boston Post Road, LLC & Chapman Beach Commons, LLC, c/o Pete Boccarosa/Agent: Ed Cassella ( 65-day application period ends 2/19/15, extended to 3/14/15:**

**And**

**3a. ZC-2014-022 – 1961 Boston Post Road (Map/Lot 180/113 & 174) – CAM (Coastal Area Management) Application associated with Site Plan Application. Agent: Ed Cassella (65-day application period ends 2/19/15, extended to 3/4/15):**

Attorney Ed Cloutier was present and submitted a letter dated 3/2/15 requesting that the Public Hearing for this application be continued until the 3/24/15 meeting.

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

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

**VOTED:** Unanimously to continue the Public Hearing for Application ZC2014-022 and ZC-2014-022(CAM) to March 24, 2015 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

**2. ZC2014-025 – 1356 Old Clinton Road – (Map/Lot 176/112) Request for Modification for Special Permit for renovations and addition to existing housing and offices. Owner VISTA Vocational Services / Agent: Keith R. Ainsworth, Esq. (35-day Public Hearing Period ends 4/8/15):**

**And**

**1a. ZC-2014-025 – 1356 Old Clinton Road – (Map/Lot 176/112) CAM (Coastal Area Management) Application associated with Special Permit Modification Application (35-day Public Hearing Application Period ends 4/8/15):**

Attorney Keith Ainsworth was present representing the applicant and submitted revised plans dated 2/25/15. It was stated that a few modifications were made to the plans. They have changed it so that most of the parking is now on site without having to use Norris Avenue. They have shifted a lot of employees to Madison so less parking is required. They currently only have 20 employees and they have 20 spaces available for visitors for a total of 40 spaces.

Engineer Bob Doane read The Planning Commission letter dated 2/24/15 with their recommendations. He also read DEEP submission dated 2/23/15 that's states that they feel the application is consistent with all applicable policies and standards for the Connecticut Coastal Management Act. Mr. Doane stated that currently VISTA has parking on site, on Norris Avenue and shared parking with the Congregational Church. They look at all the parking required for this application and they are requesting 6 parking spaces to be kept in reserve in order not to change anything in the front yard. They have relocated the dumpster to the south side of the property. They have received approval from the Health Department (letter dated 3/2/15 submitted). Harry Ruppenicker Jr. asked if the applicant was willing to stripe the parking spaces. The applicant stated that they were willing to do this.

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

1. Charles Burdick – Seaside Avenue stated that he feels that the parking issues were addressed adequately.

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

**VOTED:** Unanimously to close the Public Hearing for Application ZC-2014-025 and the associated CAM application.

**3. ZC-2015-002 – Pilots Point Marina – (Map/Lots #184/130 (1.4 acres) 131 (34.1 acres) – Special Permit Application for storage of boats on undeveloped land adjacent to Pilots Point Marina, and maintain landscaped perimeter berms around boat storage area. Owner: Pilots Point Marina, LLC / Agent H. Brian Dumeer, Esq. (35-day Public Hearing period ends 4/8/15):**

**and**

**3a ZC-2015-002 – Pilots Point Marina – (Map/Lots #184/130and 131) – CAM (Coastal Area Management) Application associated with Special Permit Application ZC-2015-002 Pilots Point Marina (So. Side of Route 1) (35-day application period ends 4/8/15):**

Attorney Brian Dumeer was present representing the applicant and submitted an amended Statement of Use dated 3/3/15 as well as plans with a revision date of 3/4/15. Attorney Dumeer stated that currently there is berms on the property that may or may not have been moved without the proper approval. The applicant would like to fix this situation, hence this application. They would like to regrade and move the berm 15' off the property line. The lot line on Route 1 to the rest of the Pilot's Point lot would be removed and a new lot line deed will be filed as 1 lot. There will be a dumpster on the property and the property is primarily to be used for storage of

boats as well as other necessary vehicles for storage, etc. The berms will hide the area from Route 1 and the apartments that are being built.

Engineer Stu Fairbanks went over the current configurations of the berms and stated that they will flatten them out a little so they won't look so steep and will reduce the height. There will be stock pile areas but they are proposing sedimentation and erosion controls. ZEO Nancy Rudek asked if the applicant was going to address the concerns in the response received from DEEP. Mr. Fairbanks stated that they are addressing the concerns with the proposed sedimentation and erosion controls. Chairman Marino stated that he feels that the proposed berms still seem pretty tall and that he was hoping for a bigger reduction because any trees that are planted won't be that tall for 25 years. Bill Harris – Nursery owner from Deep River stated that the berms can easily be integrated into the landscape so they will be softened. Mr. Harris went over all the types of landscaping that he was proposing for the proposed berms. Larger trees and/or plants can be used if the applicant agrees. There will be integrated retaining walls to soften the height of the berms. When the area is landscaped the applicant is willing to irrigate the area to help get everything established. What is proposed will withstand severe storms and flooding and will look good all year long. The Commission asked for all proposed plantings to be put on the plans including sizes. Town Planner Meg Parulis stated that she is very happy with what is proposed and feels it will be an asset. The berm by the existing septic system will remain as they are with existing plantings. The retaining walls will be left natural, but they may add some grasses. Chairman Marino stated concern about what is currently there and spots that have nothing. He does not want it to look dumpy. Mr. Harris stated that the berm is currently 12' high and when done it will be 8' to 10'. He stated you have to consider the type of soil that it is (heavy silt, dredge material) and he recommended plants that will stabilize the slope. The invasive plants will never go away and would have to be maintained. Harry Ruppenicker Jr. asked if the plants placed on top of the berm are 3' couldn't the height of the berm be lowered more. Mr. Harris stated that they could do that but it wouldn't conceal what's inside of the berm (like a boat or trailer). Dwayne Xenelis asked why the berm is even needed if there is no change in use. It was explained that because the material was already there, it was easier to move into the berms than to remove the material from the site. Chairman Marino asked about the berm over the septic system. Reeves Potts stated that they are dumping tanks and there is no material covering this area. He further stated that he felt the berms were much more pleasing than a big fence.

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. Stan Burke Jr. representing 17 and 21 Striper Avenue stated that he was concerned and didn't understand why they were notified about this application. It was stated that all abutting property owners must be notified but the activity is on the Route 1 side of the property and would not be affecting those two properties.

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

**VOTED:** Unanimously to continue the Public Hearing for Application ZC-2015-002 and CAM to March 24, 2015 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

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

**VOTED:** Unanimously to close the Public Hearing portion of the meeting and return to the Regular Meeting at 8:13 p.m.

**REGULAR MEETING:**

**Possible deliberation and vote of Public Hearings:**

**1. ZC-2014-022 & CAM – 1961 Boston Post Road:**

The Public Hearing for these applications were continued to March 24, 2015.

**2. ZC-2014-025 – 1356 Old Clinton Road:**

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

**VOTED:** Unanimously to approve the application of Vista Vocational for a Special Permit to allow an addition of approximately 1,961 sq. ft. to the existing Education and Housing Facility. The addition includes two new bedrooms, renovations involving a relocated entrance, an elevator, an office addition, reconfiguration of bedroom space, and a ramp. Total residents with on site boarding will be 30 residents (up from 26 residents), with 20 staff members. (See Statement of Use/Description of Renovations).

Parking Standards for the Private School is one space for each employee and visitor spaces – Total spaces required: 40 – Total provided: 34, with 6 held in reserve.

This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following stipulations:

1. The applicant will relocate the existing wheel stops as appropriate and stripe the 15 parking spaces located along Norris Avenue.

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

**VOTED:** Unanimously to approve the CAM Application associated with the Special Permit ZC-2014-025

**3. ZC-2015-002 & CAM – Pilot's Point Marina:**

The Public Hearing for these applications were continued to March 24, 2015.

**RECEIPT OF APPLICATIONS:**

**1. ZC-2015-005 – 359 Boston Post Road – (Upper Deck Restaurant, Map.Lots #188/016 and 017) – Special Permit for a Take Out Restaurant/Food Truck, as an accessory use to the Primary Use (Sect. 4.63.09). Owner: Grump Productions LLC: Applicant) (65-day application period ends 5-08-15) [set public hearing date]:**

Chairman Marino stated that this application is really a minor modification. The applicant is proposing a food cart that will only operate on Friday and Saturday nights only from 12:30 to 2:30 p.m. He does not feel that a Public Hearing is needed. A letter dated 3/4/15 was received from Town Planner Meg Parulis stated that she has no objection to the application and the waiver of Special Permit requirements.

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

**VOTED:** Unanimously to waive the requirement for a Public Hearing and a referral to the Planning Commission for Application ZC-2015-005.

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

**VOTED:** Unanimously to approve Application ZC-2015-005 – 359 Boston Post Road for a Take Out Restaurant/Food Truck with the following stipulation:

1. Hours of operation will be limited to Friday and Saturday evenings only from 12:30 a.m. to 2:30 a.m.

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

**1. ZC-2015-001 – 518 Seaside Avenue, Map/Lot 189/019 – CAM (Coastal Area Management) Application for a proposed single family house on a vacant lot in the AE12 Flood Zone. Owner: Charles Burdick / Agent: Bob Doane, P.E. (65-say application period ends 4/2/15):**

Engineer Bob Doane was present as well as applicant Charles Burdick. A letter dated 2/23/15 from DEEP was received which did state some concerns. Mr. Doane stated that the application complies with all FEMA Regulations and the site is not poor soil, it is sand.

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

VOTED: Unanimously to approve ZC2015-001 - 518 Seaside Ave – Application for Coastal Area Management (CAM) to construct a new two-bedroom house on an undeveloped lot to meet FEMA/Flood requirements. The project involves the construction of a residential structure, subsurface sewage disposal system, stormwater recharge system (1st inch of runoff into a gallery system), associated regrading and public water service. This CAM Application was approved in accordance with the documents submitted and the Conditions on said documents, with the following stipulations:

1. Approval is contingent upon stormwater recharge and flood review.

**MISCELLANEOUS:**

None.

**COMMISSION BUSINESS:**

**1. ZEO Report:**

Distributed and discussed.

**2. Bills:**

The following bills were paid out of the Operating Budget:

Branse & Willis, LLC: \$2,627.00 for General Legal (Invoice #37435, #37441, #37439)

Kathleen Kelemen: \$71.25 (Secretarial duties)

Conferences: \$80.00 (Nancy Rudek, CAFM Floodplain Mangement)

Nathan L. Jacobson & Assoc., Inc.: \$454.79 (Flood Reviews – 68 Bellstone, 23 Beverly, General FEMA Consult)

**150% Special Funds – Consulting Services:**

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

VOTED: Unanimously to approve payment of \$775.00 to Woodard & Curran for review of 198 Essex Road.

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

VOTED: Unanimously to approve payment of \$1,128.50 to Branse & Willis for review of 1961 Boston Post Road.

**Special Funds – Bond Releases**

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

**VOTED:** Unanimously to approve the release the amount of \$425.00 to High Mart, LLC – 198 Essex Road, 150% engineering fee.

**APPROVAL OF MINUTES – Special Meeting – February 4, 2015**

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

**VOTED:** Unanimously to approve the minutes of the Special Meeting of February 4, 2015, as submitted.

**ADJOURNMENT:**

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

**VOTED:** Unanimously to adjourn at 8:32 p.m.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary