

**WESTBROOK ZONING COMMISSION
REGULAR MEETING
March 22, 2011
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Lee Archer, Regular Member Chris Ehlert (at 7:10 p.m.) and ZEO Nancy Rudek.

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

ESTABLISHMENT OF QUORUM: Chairman Marino stated that with the 3 members present that this does constitute a quorum, but any vote would have to be unanimous in order to pass. Any applicant may choose to request that their application be continued until there are more members present.

AGENDA ADDITIONS: None.

PUBLIC HEARING(s):

1. **Z2011-01 – Public Hearing for a Petition to Change the Zoning Regulations – Proposed Text Amendments to Sections 2.40.00 – Definitions; 4.43.04 – CD Zone, 4.110.03 – NCD Zone, new Sections 8.23.00 & 8.24.00 under 8.00.00 – General Development Regulations, Section 10.00.00 – Parking. Applicant Michael Pill (35-day public hearing ends 4-26-11)**

Applicant Michael Pill started discussion of whether to have his application continued and how it would affect his application with the Planning Commission. He was concerned that there were only 3 members and the vote would have to be unanimous.

At 7:10 p.m. Regular Member Chris Ehlert arrived. Now that there were 4 members present, any vote does not have to be unanimous, only a majority of vote of those members present. Michael Pill requested to move forward with the Public Hearing for his application.

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

VOTED: Unanimously to open the Public Hearing for application Z2011-01 at 7:11 p.m.

Applicant Michael Pill stated that he wants to open a Family Entertainment Center at Water's Edge. The building size is 3250 square feet and will have approximately 50 games. The facility will be for the ages of 3-16. Mr. Pill submitted a letter from Water's Edge stating that they are in support of this application. Mr. Pill stated that the lease with Water's Edge clearly stated that there will be no equipment located outside the building.

At this time, Chairman Marino opened the floor to speak in favor or against the application. The following members of the public spoke:

1. Ron Lyman stated that he lives next door to the proposed entertainment center and he is in favor of the application. He feels that there isn't really anything in the town for young kids to do and he feels that would be a great addition to Water's Edge and the Town. He further stated that Water's Edge is a great asset to this Town and does not feel that an entertainment center will have a negative impact.
2. Rick Newberg feels that not only will this be a good place for kids, it will also bring people into town to use our local businesses.
3. Gary Naparado agrees with the comments made already and feels this will give kids a new option and feels this is a great addition to the Water's Edge and the Town.
4. Don Ciarcia stated that he agrees with all these comments. He stated that most kids birthday parties go to other towns and that if this is approved, birthday parties will be held in town and improve business in town.
5. Ken Kapayla stated that Mr. Pill is good people and approves of what he is trying to do.
6. Chris Wanat stated that he feels this business will be managed correctly and will not attract riff-raff. This would be a good, safe place for kids to go.

Correspondence received and read into the record:

1. 3/22/11 letter from Water's Edge stating they are in favor of the application.
2. 3/22/11 letter from the Planning Commission where they outline some concerns regarding the application. Discussion of changing the 500' radius to 100'.
3. 3/10/11 letter from CRERPA stating they have no issues with the application.
4. 3/10/11 letter from Zoning Commission Council (Attorney Mark Branse).

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

VOTED: Unanimously to close the Public Hearing on application Z-2011-01.

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

VOTED: Unanimously to approve Application #Z2011-01 – Public Hearing for a Petition to Change the Zoning Regulations – Proposed Text Amendments to Sections 2.40.00 – Definitions; 4.43.04 – CD Zone, 4.110.03 – NCD Zone, new Sections 8.23.00 & 8.24.00 under 8.00.00 – General Development Regulations, Section 10.00.00 – Parking. Applicant Michael Pill, as amended during the Public Hearing.

Continued Public Hearings for Proposed Amendments to the Zoning Regulations:

2. Continued Public Hearing for proposed Stormwater Management Regulations (new section 11.70.00) possible deliberation and vote.

Upon a motion by Lee Archer, seconded by Chris Ehlert, it was:

VOTED: Unanimously to reconvene the Public Hearing for Proposed Stormwater Management Regulations.

Chairman Marino opened the floor to the public to comment on the proposed regulation. There was no one from the public who indicated they wanted to make any comments.

Upon a motion by Chris Ehlert, seconded by Lee Archer, it was:

VOTED: Unanimously to close the Public Hearing for the Proposed Stormwater Regulation.

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

VOTED: Unanimously to approve the stormwater regulation as amended, with an effective date of 4/18/2011.

3. Continued Public Hearing for proposed Accessory Apartments Regulations (new regulation – Sections 8.00.00 thru 8.01.05) possible deliberation and vote.

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

VOTED: Unanimously to reconvene the Public Hearing for the proposed Accessory Apartments Regulations.

At this time, Chairman Marino opened the floor to the public to comment on the proposed regulations. The following members of the public spoke:

1. Nancy Moore asked about the wording that the owner must live in the main house. What about a property that is in a trust. This needs to be looked into. ZEO Nancy Rudek will contact Commission Attorney Mark Branse to discuss this matter.

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

VOTED: Unanimously to continue the Public Hearing for the proposed Accessory Apartments Regulations.

4. Continued Public Hearing for proposed Exterior Lighting Regulations, (new regulation – Sections 8.22.00 thru 8.22.06) possible deliberation and vote.

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

VOTED: Unanimously to reconvene the Public Hearing for the proposed Exterior Lighting Regulations.

At this time, Chairman Marino opened the floor to the public for comment on the proposed regulations. The following members of the public spoke:

1. Nathan Lee stated that he feels the proposed regulations are reasonable.

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

VOTED: Unanimously to close the Public Hearing on the proposed Exterior Lighting Regulations.

Upon a motion by Chris Ehlert, seconded by Lee Archer, it was:

VOTED: Unanimously to approve new Zoning Regulations Section 8.22.00 thru 8.22.06, Exterior Lighting, as amended, with an effective date of 4/18/2011.

NEW BUSINESS:

None.

OLD BUSINESS:

1. **Z2011-03 – 54 Menunketesuck Road – Continued Coastal Area Management Application (CAM) for the demolition of an existing wood deck and construction of 52 linear-foot retaining wall and construction of stairway to access existing boardwalk. (65-day application period ends 4/28/11).**

Applicant Nathan Lee stated that he moved the proposed retaining wall and landscaping 3-1/2' closer to the top of the slope. He wants to minimize the weight impact on the marsh. He has received approval from the Grove Beach Point Association. There was discussion regarding the matter of importance that no work be done during the rainy season.

Upon a motion by Tony Marino, seconded by Lee Archer, it was:

VOTED: Unanimously to approve application Z2011-03 with the following stipulations:

1. The applicant has relocated the retaining wall and terrace closer to the top of the bank to prevent adverse impacts of the bluff and tidal wetland during construction.
 2. All construction equipment is to be stored and operated on the upland side of the slope; that no construction will be conducted from the base of the slope.
 3. The ZEO will be contacted when erosion and sedimentation controls are in place for review and to have the construction monitored.
 4. The applicant will obtain the necessary local permits from the Land Use Office prior to the start of construction, which may require detailed structural plans.
2. **Z0710 – 1594 Boston Post Road, Map/Lot 188/020 – Request for 6-month extension on Special Permit originally Approved on 6/26/07 for a 4-unit age-restricted condominium development.**
Upon a motion by Chris Ehlert, seconded by Harry Ruppenicker Jr., it was:
VOTED: Unanimously to approve a 6-month extension for Permit Z-0710.

MISCELLANEOUS:

None.

COMMISSION BUSINESS

1. **ZEO Report:** Report was distributed and discussed.
2. **Miscellaneous Correspondence:**
 - a. Copy of Town of Old Saybrook ZBA application for 119 Spencer Plains Road.
 - b. Copy of article from The Habitat written by Attorney Mark Branse.
 - c. Copy of memo from Jeffrey Londregan regarding a pending suit in regards to zoning in the town of Bozrah that could affect all towns.
 - d. Copy of 2/15/11 Conservation Commission Meeting Minutes.
 - e. Copy of 3/1/11 IWWC Meeting Minutes.
3. **Proposed Amendments for future Public Hearing:**
Copies were distributed.
4. **Authorization of Payment Policy:**
Upon a motion by Lee Archer, seconded by Chris Ehlert, it was:
VOTED: Unanimously to authorize the ZEO, with the approval of the Chairman or Vice Chairman, to approve payments to vendors who provide goods or services on behalf of the Zoning Commission in advance of meetings to approve same. This policy is effective immediately.
Any bills that are paid will be listed on the next months agenda.
5. **Bills:**
Regular Budget: Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:
 - **VOTED:** Unanimously to approve payment of the following invoices out of the 2010/2011 Regular Budget: \$1,000.50 to Branse, Willis & Knapp for General Legal; \$18.49 to Kathleen Kelemen for Secretarial duties; \$29.98 to W.B. Mason for miscellaneous Office Supplies and \$31.68 to the Hartford Courant for Legal Notices.

APPROVAL OF MINUTES: February 22, 2011 Regular Meeting

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

VOTED: Unanimously to approve the minutes of the Regular Meeting minutes of February 22, 2011, as amended.

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

VOTED: Unanimously to add “Approval of Minutes – Public Hearing/Special Meeting – March 14, 2011” to the agenda.

APPROVAL OF MINUTES – PUBLIC HEARING/SPECIAL MEETING – MARCH 14, 2011

Upon a motion by Chris Ehlert, seconded by Lee Archer, it was:

VOTED: Unanimously to approve the minutes of the Public Hearing/Special Meeting of March 14, 2011, as amended.

ADJOURNMENT

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

VOTED: Unanimously to adjourn at 9:24 pm.

Respectfully submitted:

Kathleen H. Kelemen, Secretary