

**ZONING COMMISSION REGULAR MEETING MINUTES  
MARCH 26, 2013  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, , Regular Member Dwayne Xenelis, Regular Member Lee Archer, Alternate Member Linda Nolf, Alternate Member Mike Engels, ZEO Nancy Rudek and Vice Chairman Harry Ruppenicker Jr.(at 7:05 p.m.).

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

**ESTABLISHMENT OF QUORUM:** Chairman Marino seated Mike Engels for Harry Ruppenicker Jr. and Linda Nolf for Tom Belval.

**AGENDA ADDITIONS:**

None.

**PUBLIC HEARINGS:**

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

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

**1. ZC2012-031 – Amendments to Zoning Regulations – Proposed Amendments to the Zoning Regulations, New Section 4.130.00 and 9.12.03, Incentive Housing Zone (IHZ).**

**Applicant Town of Westbrook:**

Town Planner Meg Parulis was present and went over the draft proposal for the Incentive Housing Zone. If adopted, the Town would be eligible for incentive payments from the State of Connecticut. A letter dated 2/27/13 from the State of Connecticut Office of Policy and Management was received and read into the record. Ms. Parulis stated that the adoption of these regulations would be a win/win situation for the Town and for the developer. This would be a “Overlay Zone” not a “Floating Zone”.

At this time, Chairman Marino opened the floor to the public to speak. There was no one from the public who wished to speak.

Upon a motion by Linda Nolf, seconded by Mike Engels, it was:

**VOTED:** Unanimously to close the Public Hearing for Application ZC2012-031.

At this time, Chairman Marino seated Harry Ruppenicker Jr. (arrived at 7:05) as a voting member and removed Mike Engels as a voting member.

**2. ZC2012-032 – Amendments to Zoning Map – Proposed Amendments to the Zoning Map – IHZ Overlay District over existing Rural Residential District – 931 & 957 Old Clinton Road – Parcel IDs 175/061 and 062, Applicant: Town of Westbrook:**

At this time, Chairman Marino opened the floor to the public to speak. The following members of the public spoke:

1. Jack Gedney asked if this change was specific to the 2 properties listed and not others. It was answered that yes this will affect only to two properties listed.

There were no questions from the Commission Members.

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

**VOTED:** Unanimously to close the Public Hearing for Application ZC2012-032.

**3. ZC2012-037 – Amendments to Zoning Regulations – Proposed Amendments to the Zoning Regulations Section 6.20.00 – Site Plan Requirements (General Design Standards) Applicant Town of Westbrook:**

Town Planner Meg Parulis stated that these amendments would make it so any application would require a site plan review. It is made clear that these are guidelines and not set in stone, but if the applicant wants to deviate they really need to prove a hardship. At this time, the Commission Members did not have any questions.

At this time, Chairman Marino opened the floor to speak. There were no members of the public who wished to speak.

Harry Ruppenicker Jr. asked if “cost” would be a “hardship”. Ms. Parulis stated that every application would be different and would have to be looked at before a decision could be made.

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

**VOTED:** Unanimously to close the Public Hearing for Application ZC2012-037.

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

**VOTED:** Unanimously to reconvene the Regular Meeting at 7:40 p.m.

**REGULAR MEETING:**

Possible Deliberation and Vote:

**1. ZC2012-031:**

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

**VOTED:** Unanimously to approve Application ZC2012-031 Amendments to Zoning Regulations Section 4.130.00 and 9.12.03, Incentive Housing Zone, as presented, with a effective date of April 19, 2013.

**2. ZC2012-032:**

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

**VOTED:** Unanimously to approve Application ZC2012-032 Amendments to Zoning Map for Incentive Housing Zone overlay District over existing Rural Residential District – 931 & 957 Old Clinton Road, with an effective date of April 19, 2013.

**3. ZC2012-037:**

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

**VOTED:** Unanimously to approve Application ZC2012-037 Amendments to Zoning Regulations Section 6.20.00, Site Plan Requirements (General Design Standards) with an effective date of April 19, 2013.

**NEW BUSINESS:**

**RECEIPT OF APPLICATIONS:**

**1. ZC2013-002 – Application of Town of Westbrook to amend Section 6.20.03 of the Zoning Regulations regarding Emergency Services. (65-day application period ends 5/30/13) [set public hearing date]:**

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

**VOTED:** Unanimously to accept Application ZC2013-002, and to set a Public Hearing dated for April 23, 2013 at 7:00 p.m. in the Multi-Media Room at the Westbrook Mulvey Municipal Center.

**2. ZC2013-003 – 931 Old Clinton Road – Site Plan Application for residential housing development know as “Redwood Common” Phase 1, parcel ID 175/061, per new Section 4.130.00 (Incentive Housing Zone) of the Zoning Regulations. 10 units in 5 duplex buildings, property owner: Faucher (65-day application period ends 5/30/13) [set public hearing date]:**

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

**VOTED:** Unanimously to accept Application ZC2013-003, and to set a Public Hearing dated for April 23, 2013 at 7:00 p.m. in the Multi-Media Room at the Westbrook Mulvey Municipal Center.

**3. ZC2013-004 – 957 Old Clinton Road – Site Plan Application for residential housing development know as “Redwood Common” Phase 2, parcel ID 175/062, per new Section 4.130.00 (Incentive Housing Zone) of the Zoning Regulations. 10 units in 5 duplex buildings, property owner: Faucher (65-day application period ends 5/30/13) [set public hearing date]:**

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

**VOTED:** Unanimously to accept Application ZC2013-004, and to set a Public Hearing dated for April 23, 2013 at 7:00 p.m. in the Multi-Media Room at the Westbrook Mulvey Municipal Center.

**4. ZC2013-005 – 369 E. Main Street, Clinton – Site Plan Application for a proposal on 369 East Main Street, Clinton with activities proposed in Westbrook. (65-day application period ends 5/30/13) [possible deliberation & vote]:**

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

**VOTED:** Unanimously to accept Application ZC2013-005.

Engineer Gregg Fedus was present as well as property owner Mr. Malazzi. Mr. Fedus stated that this application is for the Goodwill Building located in Clinton. A history of the property was

given. They are proposing a 20' x 10' addition for a loading dock that would be in Westbrook. They have received all the required permits in the Town of Clinton. All drainage goes to the southeast corner of the site to a detention pond that is in Westbrook. They have met with the Town Engineer and provided all the required information. They have matched all existing flows and added overflow back to the north. Woodard & Curran submitted a letter dated 3/26/13 stating they are satisfied with the application. There are 2 lights that will be located in Westbrook, but will be facing Clinton. Harry Ruppenicker Jr. stated his concern about what residents of Jensen's will see from their homes. Mr. Fedus stated that the buffer that already exists will remain and a fence will be put up between the residences and the loading dock.

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

**VOTED:** Unanimously that the application of Gregg Fedus for DMJ LLC (Application ZC2013-005, for a Site Plan Application associated with the Goodwill Building development in Clinton, CT. This approval is for associated activities in the Town of Westbrook involving a 20' x 10' loading dock as part of a 3,200 sq. ft. addition to existing Goodwill Building, and a stormwater management plan within the watershed contributing runoff to Boston Post Road (Route 1). And, the lighting as proposed on Sheet 3 of 5 (Site Landscaping/Lighting Plan), Revised to 3/18/2013.

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

1. The landscaping buffer between the applicant's property line and Jensen's shall be maintained.
2. A maintenance plan for the drainage system is to be provided.
3. At least a 6' high privacy fence be put between the loading dock and Jensen's.

**5. ZC2013-006 – 534 Seaside Avenue – CAM (Coastal Area Management) Application for construction within 100 feet of coastal resources – associated with the removal of existing residential structure and reconstruction of new residential structure and new septic system (65-day application period ends 5/30/13):**

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

**VOTED:** Unanimously to accept application ZC2013.006.

ZEO Nancy Rudek stated that this application has already been sent to the State for review.

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

**VOTED:** Unanimously to table application ZC2013-006 until the April Meeting.

**OLD BUSINESS:** None.

**MISCELLANEOUS:** None.

**COMMISSION BUSINESS:**

**1. ZEO Report:** The ZEO Report was distributed and discussed.

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

**VOTED:** Unanimously to accept the ZEO Report.

**2. Miscellaneous Correspondence:**

1. Copy of letter dated 3/11/13 from ZEO Nancy Rudek to CAZEO Certification Committee regarding the case study for Lisa DeMaria.
2. Copy of letter dated 3/5/13 from Brance, Willis & Knapp, LLC regarding notice of hourly rate increase effective 7/1/13.
3. Copy of article “Vulnerable properties to see 25% hike in flood-insurance rates”.
4. Copy of e-mails between ZEO Nancy Rudek and Janet Pascal regarding property located at 137 Kingfisher Lane.
5. Copy of current budget expenses.

**3. Bills:** The following bills were paid out of the Zoning Commission Regular Budget:

- Recording Secretarial Services: \$90.20 (K. Kelemen – Feb. 2013)
- Nathan L. Jacobson & Associates: \$936.00 – (Invoice #77454, 77455)
- Branse, Willis & Knapp: \$726.00 (Invoice #32079, 32080, 32082)
- W.B. Mason: \$131.42 – Supplies Inv#I10005299
- E.J. Prescott, Inc. - \$35.00 – CT Coastal Workshop – Nancy Rudek)

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

None.

**Special Funds – Bond Releases**

None.

**APPROVAL OF MINUTES – February 26, 2013 Regular Meeting Minutes:**

Upon a motion by Harry Ruppenicker Jr., seconded by Dwayne Xenelis, it was:  
**VOTED:** Unanimously to approve the minutes of February 26, 2013, as submitted.

**ADJOURNMENT**

Upon a motion by Lee Archer, seconded by Linda Nolf, it was:  
**VOTED:** Unanimously to adjourn at 8:05 p.m.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary