

**WESTBROOK ZONING COMMISSION  
REGULAR MEETING  
April 27, 2010  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Tom Belval, Regular Member Chris Ehlert (arrived @ 7:25 p.m.), Alternate Members Lee Archer, Dwayne Xenelis and Tom D'Antico and Zoning Enforcement Officer Nancy Rudek.

**ESTABLISHMENT OF QUORUM** Chairman Tony Marino called the regular meeting to order at 7:07 pm. It was noted that the Commission did have a quorum present. Chairman Marino appointed Tom D'Antico to sit for Chris Ehlert.

**AGENDA ADDITIONS**

None.

**RECEIPT OF APPLICATIONS**

1. **Z2010-07 – Pilot's Point – General Store, 631 Boston Post Road – Special Permit Application for additional restaurant use, with existing retail use, and associated site improvements. Zone District – CB (65-day application period ends 7-1-2010, to schedule public hearing).**  
ZEO Nancy Rudek stated that a floor plan was e-mailed late today and this makes the application complete.

Upon a motion by Harry Ruppenicker Jr., seconded by Tom Belval, it was:

**VOTED:** Unanimously to accept the application and to set a Public Hearing date for May 25, 2010 at 7:00 p.m.

2. **Z0704M – Pazzo's Site Plan Review Modification – for proposed extension of roof overhang for waitstaff and outside tavern use. (65-day application period ends 7/1/2010) [possible decision and vote]**

Applicant Joe Balberi was present and submitted plans dated 4/14/2010. His application is for modification to the previously approved permit. The restaurant currently has 52 seats, but they have been previously approved by the Zoning Commission for 89 seats. The 89 seats are pending approval by the Health Department. The modification is to extend the roof line because they are creating a Patio Service Bar with seating around it and want to extend the overhang over the area.

Upon a motion by Harry Ruppenicker Jr., seconded by Tom Belval, it was:

**VOTED:** Unanimously to approve the modification of permit #Z0704M indication on the plans dated 4/14/2010 that were submitted, with the stipulation that all stipulations from the previous approval are adhered to.

**OLD BUSINESS**

1. **Z2010-06 – 184 Grove Beach Road So. – Application for Coastal Area Management (CAM) – Continued CAM application for the replacement of existing residential house, and construction of driveway, rain gardens and new sewage disposal system. Zone District – HDR. (65-day application period ends 5/27/2010). (Possible deliberation and vote).**

Mr. Gregg Fedus, Engineer was present representing the applicant. Chairman Marino stated that a response has been received from DEP and was read for the record. Mr. Fedus explained how the proposed rain gardens will work. Chairman Marino stated that the proposed structure is much larger than what is existing, but they have met all Zoning requirements and the application is for CAM only.

Upon a motion by Harry Ruppenicker Jr., seconded by Tom Belval, it was:

**VOTED:** Unanimously to approve CAM application Z2010-06 with the following stipulations:

- a. The applicant must install the required rain gardens as shown on the plans submitted.
- b. A maintenance provision must be provided for the installed rain gardens for the maintenance or replacement if there is failure.

### **PUBLIC HEARING(s)**

None.

### **NEW BUSINESS**

None.

At this time (7:25 p.m.) Regular Member Chris Ehlert arrived. Alternate Tom D'Antico was removed as a voting member.

### **MISCELLANEOUS**

None.

### **COMMISSION BUSINESS MEETING:**

#### **1. Resignation of Regular Zoning Commission Member:**

A letter of resignation dated 3/23/2010 was received from Regular Member Robert Hagemeister. Upon a motion by Tom Belval, seconded by Harry Ruppenicker Jr., it was:

**VOTED:** Unanimously to accept the resignation of Robert Hagemeister with regret.

All members would like to thank Bob for his years spent on the Zoning Commission.

#### **2. Vacancy – Regular Commission Member:** Chairman Marino stated that a letter dated 4/21/2010 was received from the WRTC recommending Lee Archer to fill the vacant position. It was stated that the Commission is not bound to go by recommendations made by anyone and stated that the open position would be considered for anyone who was interested. Lee Archer stated he is interested in filling the position for Regular Member.

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

**VOTED:** Unanimously to seat Lee Archer as a Regular Member to fill the vacancy left by Robert Hagemeister.

This creates a vacant seat for an alternate member which will be appointed by the Board of Selectmen.

#### **3. ZEO Report:**

The Bergmann Property is being closely monitored to make sure they are adhering to the court order. Vista Corporation is looking for additional housing for their students and faculty, so they are looking at some of the vacant approved lots in town.

The report was distributed and discussed.

#### **4. Miscellaneous Correspondence:**

1. Copy of recommended IWWC bond requirements for 1179 Boston Post Road.
2. Letter dated 3/3/2010 from Westbrook Health Department to Angus McDonald regarding Revocation of Septic Approvals for 9 Beach Court.

3. Copy of letter dated 3/29/2010 from Hill Farm LLC to First Selectman Noel Bishop regarding the failure of payment from the Town Treasurer for the reduction of their bond that was approved at the November 16, 2009 Zoning Commission Meeting.
4. Copy of letter from FEMA to ZEO Nancy Rudek regarding notification of anyone in Town who experienced flooding recently.
5. Communication from CT DEP regarding the Widlitz dock.
6. Notification from Town of Clinton regarding proposed Zoning Regulation changes.
7. Memo dated 4/7/2010 from ZEO Nancy Rudek to DEP OLISP regarding CAM application for 534 Seaside Avenue.
8. Copy of Planning Commission Agenda for 4/12/2010 Regular Meeting.

**5. Status of proposed amendments to Zoning Regulations**

Status of amendments to Zoning Regulations were distributed to all members. A meeting will be scheduled to review proposed amendments.

**6. Bills:**

**Zoning Budget:**

Upon a motion by Tom Belval, seconded by Harry Ruppenicker Jr., it was:

**VOTED:** Unanimously to approve payment for the following bills out of the Zoning Commission Budget:

\$26.85 and \$35.80 to Kathleen Kelemen for Secretarial duties

\$2001.00 to Branse, Willis & Knapp for General Legal and 57 Essex Road.

\$161.83 to WB Mason for Supplies

\$75.00 to the office of Deputy Sheriff for service of process for 29 Perigee Ln.

Upon a motion by Harry Ruppenicker Jr., seconded by Tom Belval, it was:

**VOTED:** Unanimously to amend the agenda to add: Release of Construction Bond, Zito Property, 891 Boston Post Road, under Approval of Bills – Special Funds – Bond Releases.

**Bills: Special Funds – Bond Releases:**

A motion was made in January to release bond money for this property, but Treasurer Darlene Jones does not agree with the way the motion was made and will not release any funds.

Upon a motion by Harry Ruppenicker Jr., seconded by Tom Belval, it was:

**VOTED:** Unanimously to approve the release of the total construction bond for 891 Boston Post Road in the amount of \$9281.00 plus interest, and return to applicant/owner/ developer Ted Zito.

**APPROVAL OF MINUTES: March 23, 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 of March 23, 2010 as submitted.

**ADJOURNMENT**

Upon a motion by Tom Belval, seconded by Harry Ruppenicker Jr., it was:

**VOTED:** Unanimously to adjourn at 8:06 pm.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary