

**ZONING COMMISSION REGULAR MEETING CORRECTED MINUTES**

**May 24, 2011**

**7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Tom Belval, Alternate Member Tom D'Antico, Alternate Member Dwayne Xenelis, Regular Member Chris Ehlert (@ 7:11 p.m. and ZEO Nancy Rudek.

**Also Present:** Loren Baker Jr., Gregg Prevost, George Rehberg, Engineer Matt White, Attorney Brian Dumeer, Architect Wayne Garrick, Engineer Greg Fedus, Leighton Lee IV, Robert Lee and Nancy Moore.

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

**ESTABLISHMENT OF QUORUM:** Chairman Marino seated Tom D'Antico for Regular Member Chris Ehlert.

**AGENDA ADDITIONS:** "Appointment of Dwayne Xenelis as IWWC Representative under "Commission Business Meeting".

**PUBLIC HEARING(s):**

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

**VOTED:** Unanimously to open the Public Hearing for "Accessory Apartments".

**1. Accessory Apartments – Continued Public Hearing on amendments to the Zoning Regulations – Proposed Regulation for Accessory Apartments (new regulation – Sections 8.00.00 thru 8.00.06.**

Chairman Marino opened the floor to the Public for Comment. Nancy Moore asked some questions regarding the changes and were answered by Chairman Marino. There were no other members of the public who wished to speak.

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

**VOTED:** Unanimously to close the public hearing on "Accessory Apartments" at 7:10 p.m.

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

**VOTED:** Unanimously to reconvene the Regular Meeting at 7:10 p.m.

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

**VOTED:** Unanimously to adopt new Section 8.00.00 for "Accessory Apartments" as proposed with an effective date of 6/16/11.

**NEW BUSINESS:**

**Receipt of Applications:**

- 1. Z2011-06 – 1316 Boston Post Road** –(Westbrook Ambulance Building) Application for proposed relocation of Town Fuel Tanks from current location at Town Municipal

Garage to the Westbrook Ambulance Property (rear). *Property ID#177/031 (65-day application period ends 7/28/11).*

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

**VOTED:** Unanimously to accept application Z2011-06 – 1316 Boston Post Road and to set a Public Hearing date for June 28, 2011 at the Mulvey Municipal Center in the Multi-Media Room.

**OLD BUSINESS:**

**1. Z2011-04 – 54 Captains Drive – Continued CAM (Coastal Area Management) Application for proposed new construction of a non-conforming residential structure, destroyed by fire in July 2010. CB Zone District 0.38 acres (Property ID#195/015) [possible deliberation and vote].**

A new site plan dated 4/19/11 was submitted. Chairman Marino read the letter dated 5/23/11 from CT DEP into the record. Attorney Dumeer stated that the stormwater run-off will not affect the Patchaug River. The applicant is exempted from the Stormwater Regulations per Section 11.70.01g. The high tide elevation is now on the plans. They will accept the need for silt fencing as a condition. They are also willing to accept to cut back the decks encroachment to the high tide elevation as a condition of approval. Harry Ruppenicker Jr. and Tom Belval asked how they will improve the stormwater run-off. Attorney Dumeer stated that the house will have no gutters, Dwayne Xenelis questions how the run-off will be absorbed into the ground. It was stated that the brick pavers will be set in sand so the joints are a pervious surface. The run-off will also go towards the grassed area. The design of the house pretty much reflects what was there prior to the fire with some improvements. Chairman Marino reminded everyone that this is a CAM approval only and still has to go through administrative zoning approvals. This application has not been reviewed by Woodard & Curran.

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

**VOTED:** Unanimously to approve Application Z2011-04 – 54 Captains Drive, CAM approval, with the following stipulations:

1. Construction must commence by July 27, 2011 and be completed with a Certificate of Zoning Compliance by July 27, 2012, in which all public health and safety components of the project have been completed.
2. Applicant to submit revised plan locating sedimentation and erosion controls, landward of the high tide elevation.
3. Applicant to submit revised plan showing reduction of decks so as not to encroach over the mean high tide water line.
4. Applicant to submit revised plan showing infiltrators to mitigate stormwater run-off. Gutters and roof leaders shall be connected to infiltration system prior to the issuance of a Zoning Compliance and Certificate of Occupancy.

**2. Z2011-05 – 128 Little Stannard Beach – Continued CAM (Coastal Area Management) Application for the proposed demolition and new construction of a**

**residential house on the south side of Little Stannard Beach Road. HDR Zone District, 0.12 acres (Property ID#182/022) [possible deliberation and vote].**

Engineer Greg Fedus was present and stated that the applicant wants to remove the existing house and replace it with a fully zoning compliant home with a brand new septic system. There will be a walkway and patio off the front of the house and will be sloped gently down to the road. A letter dated 5/24/11 from Woodard & Curren was read for the record. The letter states that they reviewed the plans and they are in concurrence with Engineer Fedus's stormwater calculations. Their letter does recommend 2 follow up items with the Building Department, but has nothing to do with Zoning. The DEP letter dated 5/24/11 was read for the record.

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

**VOTED:** Unanimously to approve Application Z2011-05 – 128 Little Stannard Beach, CAM approval with the following stipulation.

1. The infiltrators will be installed as recommended by Wendy Coffin, Woodard & Curran, Stormwater Review comments, dated 5/24/11.

**3. 41 Pequot Park Road – The Lee Company (Building 82) – Request to modify Special Permit in accordance with Condition #8 of Zoning Approval #Z0811, August 26, 2008. [possible deliberation and vote].**

Engineer Matt White was present as well as applicants Robert Lee and Leighton Lee IV. Mr. White stated that this is a 307 acre parcel and Building 82 was already approved back in August of 2008. Revised Plans dated May 13, 2011 have been submitted. At this time, they have decided on a specific building design and need modification approval from the Zoning Commission per Stipulation #8 of the original approval. They have changed the orientation of the building for obtaining natural light purposes. The building was approved for 2 stories and they now are proposing 1 story. Elevation plans dated 4/26/11 have been submitted. Mr. White asked the Commission if they feel this is a minor modification or do they feel the application has to be separate and be approved as a new application.

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

**VOTED:** Unanimously that the Commission does not feel that this modification is not a significant change and to authorize the Zoning Enforcement Officer to review the changes administratively for modification in accordance with stipulation #8 of Zoning Approval Z0811.

**MISCELLANEOUS:** None

**COMMISSION BUSINESS**

**1a. Appointment of Dwayne Xenelis as IWWC Representative:** Chris Ehlert has resigned as the IWWC Representative and Dwayne Xenelis is interested in the position.

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

**VOTED:** Unanimously to appoint Dwayne Xenelis as the Zoning Representative to the IWWC effective May 24, 2011.

1. **Proposed Amendments for discussion – Proposed Junk Regulation, Section 8.07.00 of the Zoning Regulations:** These proposed amendments were proposed 2 years ago and sent to Attorney Branse for review. His recommendations are highlighted in yellow on the forms distributed. The Commission has to decide if these proposals are suitable for the Regulations. All members were asked to review and it will be discussed at the June Meeting.
  2. **Fee Schedule – Draft revisions to Zoning Application Fees, authorized under Section 9-1 to replace Section 9-3(a) (2) Zoning Commission Fees (Town Code of Ordinances, Article 1):** If the Commission agrees with the proposed fee schedule, it will go to the Board of Selectmen for approval and then to a Town Meeting for approval. Upon a motion by Tom Belval, seconded by Tom D’Antico, it was:  
**VOTED:** Unanimously to authorize the Zoning Enforcement Officer to formalized the proposed Zoning Commission Fee Schedule and forward to the Board of Selectmen for approval and send to a Town Meeting.
  3. **Miscellaneous Correspondence:**
    - a. Letter dated 5/6/2011 from State of Connecticut, Connecticut Siting Council regarding modification to an existing telecommunications facility located at 782 Old Clinton Road.
    - b. Referral Memorandum from Town of Old Saybrook Zoning Commission regarding petition to amend Zoning Regulations for Signs – Car Dealerships.
    - c. Draft list of Town Wide Sign Inventory.
    - d. Copy of notes from meeting held May 12, 2011 with FEMA.
    - e. Notice of FEMA Meeting to be held on May 24, 2011.
    - f. Copy of Public Comments made on the Proposed Plan of Conservation and Development.
  4. **ZEO Report:**  
Distributed and discussed.
  5. **Bills:**  
**Regular Budget:** 2010/2011  
The following bills were approved for payment by Chairman Tony Marino:
    - Branse, Willis & Knapp: **\$1,232.50** (General Legal Invoice (Toyota) #27818,27831 )
    - WB Mason: **\$104.90** (Misc. Office Supplies – Invoice #616439)
    - Hartford Courant: **\$87.12** (Legal Notices – Inv.3721063)
    - CAZEO Dues: **\$25.00** (L.DeMaria-Certification CZET)
- 150% Special Funds – Consulting Services & Special Funds – Bond Releases:**  
Upon a motion by Tom Belval, seconded by Tom D’Antico, it was:  
**VOTED:** Unanimously to approve the release of \$1,000.00 to 10 Peter’s Trail for Driveway Apron Bond.  
Upon a motion by Tom Belval, seconded by Tom D’Antico, it was:  
**VOTED:** Unanimously to approve the release of \$500.00 to 558 Horse Hill Road for Driveway Apron Bond.

**APPROVAL OF MINUTES: April 26, 2011 Regular Meeting**

Upon a motion by Harry Ruppenicker Jr., seconded by Tom D'Antico, it was:

**VOTED:** Unanimously to approve the minutes of the Regular Meeting for April 26, 2011, as submitted.

**ADJOURNMENT**

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

**VOTED:** Unanimously to adjourn this Regular Meeting at 8:45 p.m.

Respectfully submitted:

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Kathleen H. Kelemen

**Note:** Changes indicated in bold, underlined and italicized print.