

**WESTBROOK ZONING COMMISSION
REGULAR MEETING
May 25, 2010
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Chris Ehlert (arrived @ 7:28 p.m.), Alternate Members 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 7:04 p.m. It was noted that the Commission did have a quorum present. Chairman Marino appointed Tom D'Antico to sit for Tom Belval.

AGENDA ADDITIONS

None.

RECEIPT OF APPLICATIONS

1. **Z0909M – 63 Pilot's Point** – Site Plan modification in the North Yard for additional accessory for a portable "DockBox" Food Truck. (65-day public hearing period ends 7-29-10) [possible deliberation & vote]

Attorney Ed Cassella and applicant Martin Wolff were present as well as Rives Potts and Paul VanHammond. It was stated that the "DockBox" is a mobile food facility and will be located in the vicinity of the pool in the North Yard. If approved, this will be the first unit to be placed anywhere in the U.S. The unit is completely self-contained and will only be opened seasonally. The unit has a 300 gallon holding tank that will be pumped out when necessary. Water usage will be minimal. Most of the food will be prepared off-site. There will be no grilling or frying on-site. Solar power will be used to heat hot water and for electricity use. This unit will be open to the public, not just marina customers. The Commission stated their concerns about parking if the public patronizes the facility. Reeves Potts stated that he will designate certain parking spots if the Commission requests it.

At 7:38 p.m. Regular Commission Member Chris Ehlert arrived.

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

VOTED: Unanimously to approve a "DockBox" food container, to be located in the North Yard, as indicated on "Site Development Plan", prepared for Brewer's Pilot's Point Marina, Inc., dated September 21, 2007, Revised to May 17, 2010 – Sheet 1 of 1 and Specifications in accordance with documents submitted with Application Z0909M, and "DockBox" Publication. This application is approved, subject to: This dining container being used seasonally, as an accessory use to the Marina and external advertising will not be engaged in for take-out service outside the marina.

OLD BUSINESS

None.

PUBLIC HEARING(s)

1. **Z2010-07 – General Store, 631 Boston Post Road – Pilot’s Point Marina (63 Pilot’s Point) – Public Hearing on Special Permit Application for additional use as restaurant, proposed for 26 seats, in combination with current retail use in existing structure, and associated site improvements. Zone District Commercial Boating District. (Tax Assessor’s Map #25(formerly, Lot #S40 formerly)) (35-day public hearing period ends 6/29/10) [possible deliberation & vote].**

Attorney Ed Cassella and Engineer Stu Fairbanks were present. Revised plans dated 5/18/2010 were submitted. Attorney Cassella stated that the applicant is trying to come into compliance with the zoning regulations. The new plans have recalculated the required parking to meet the regulations. They are still working with ZEO Nancy Rudek to figure out where the parking spaces will be located on the site. 26 spaces are for the General Store. Chairman Marino stated that he objects to the 11 spaces along Route 1 because he doesn’t feel they meet the requirement of the regulations. Stu Fairbanks asked if there could be “reserved parking” as part of the plan because this is really an accessory to the marina and they are looking to mix and match the parking spots. The Commission stated that if reserved parking were approved, the applicant will have to develop the spaces at a later time if it becomes necessary. There was discussion regarding seasonal parking in the back where boats are stored in the fall and winter, but removed in the spring. Stu Fairbanks stated that they feel that the majority of customers will be from within the marina and will be foot traffic. This is also a seasonal component. This is a “work in progress” and the applicant is looking for direction from the Commission. There was discussion regarding possible parking in the back of the store. Access would be needed if this were to be done. Dwayne Xenelis stated that he agrees that the 11 space along Route 1 do not meet the regulations and should not be used in the configuration. The Commission will talk to the Commissions Council in regards to possible stipulations for this application.

Upon a motion by Dwayne Xenelis, seconded by Tom D’Antico, it was:

VOTED: Unanimously to continue the public hearing until the June 25, 2010 Regular Meeting.

2. **Zoning Map – Review and potential adoption of digitized Zoning District Map. [possible deliberation & vote].**

ZEO Nancy Rudek stated that the proposed map, when approved, it will be put on the Town Website as the representation of the zoning districts in town. Town Planner Meg Parulis has verified the accuracy of the information which has mostly been obtained by Land Use staff. Dwayne Xenelis stated that he wants to make sure that all the information is accurate.

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

VOTED: Unanimously to continue the Public Hearing to the June 7, 2010 Special Meeting.

NEW BUSINESS

None.

MISCELLANEOUS

1. **Walgreens (1211 & 1223 Boston Post Road) – Off-site Drainage Performance Bond – Request for Release of Bond for culvert work on Golf Links/Trolley Road.**

Chairman Marino stated that he does not feel that everything is completed yet, although it is not their fault. The work being done at Wilcox Fuel is hindering them from completing.

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

VOTED: Unanimously to table this request until the June 7, 2010 Special Meeting.

COMMISSION BUSINESS MEETING:

1. ZEO Report:

There is no report at this time, because of under-staffing issues in the Land Use Department. ZEO Nancy Rudek gave an update on what items she has been working on.

2. Miscellaneous Correspondence:

1. Copy of e-mails between ZEO Nancy Rudek and Wendy Coffin regarding cost estimate to review revised lighting plan for Westbrook Toyota.
2. Notice of DEP Public Hearing for Gary Widlitz, Westbrook.
3. Copy of memo dated 5/3/2010 from ZEO Nancy Rudek to Insurance Services Office, Inc. regarding NFIP #090070 – Modification to CRS Certification.
4. Copy of 4/20/2010 Conservation Commission Regular Meeting Minutes.
5. Copy of Revised Agenda for 5/26/2010 ZBA Public Hearing and Regular Meeting.

3. Zoning Representative for Inland Wetlands Commission - Chris Ehlert has been the rep to the IWWC and has stepped down. The Zoning Commission will need a new representative to sit on the IWWC. Dwayne Xenelis stated that he may possibly be interested. He will talk to Chris Ehlert before making a decision.

4. Status of proposed amendments to Zoning Regulations

A meeting will be held on June 7, 2010. Updated packets were distributed.

5. Bills:

Zoning Budget:

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

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

Budget:

\$62.65 to Kathleen Kelemen for Secretarial duties

\$1,087.50 to Branse, Willis & Knapp for February 2010.

\$20.00 to Nancy Rudek – reimbursement for CAZEO Seminar.

\$15.70 to Nancy Rudek – reimbursement for mailing.

\$46.50 to Nancy Rudek – Mileage reimbursement.

APPROVAL OF MINUTES: April 27, 2010 – Regular Meeting:

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

VOTED: Unanimously to approve the minutes of the Regular Meeting of April 27, 2010 as submitted.

ADJOURNMENT

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

VOTED: Unanimously to adjourn at 8:55 pm.

Respectfully submitted:

Kathleen H. Kelemen, Secretary