

**ZONING COMMISSION REGULAR MEETING MINUTES  
JUNE 24, 2014  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Mike Engels, Regular Member Lee Archer, Alternate Member Tom D'Antico, Alternate Member Linda Nolf, Regular Member Dwayne Xenelis (arrived at 7:21 p.m.), ZEO Nancy Rudek, Town Planner Meg Parulis, Town Engineer Jeff Stearns, Attorney Matt Willis and Attorney Eliza Heins.

**CALL TO ORDER:** The meeting was called to order by Chairman Tony Marino at 7:06 p.m.

**ESTABLISHMENT OF QUORUM:**

Upon a motion by Mike Engels, seconded by Harry Ruppenicker Jr., it was:

**VOTED:** Unanimously to appoint Alternate Tom D'Antico to sit for Dwayne Xenelis.

Chairman Marino pointed out that there were members of the Boy Scouts here at the meeting tonight in order to earn their Communications Badges.

The following applications have been withdrawn: ZC2014-003 – 1961 Boston Post Road, ZC2014-004 – 1961 Boston Post Road and ZC2014-004 – 1961 Boston Post Road (CAM) due to the fact that there was a problem with the legal notice. They have submitted new applications that are exactly the same, but have new application numbers, which will be heard under the Public Hearing portion of the meeting.

**AGENDA ADDITIONS:**

None.

**RECEIPT OF APPLICATIONS:**

**1. ZC2014-013 - 1961 Boston Post Road – Application for a proposed Zone Map Change on Parcel #113 of Assessor's Map #180 & Parcel #174 of Assessor's Map #180, from NCD (Neighborhood Commercial District) to PRDD (Planned Residential Development District). (65-day application period ends 8/28/14):**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to receive Application ZC2014-013.

**2. ZC2014-014 – 1961 Boston Post Road – Special Permit Application for a proposed Multi-Family Residential Building with 24 units (new) and storage building (new) on Parcel #113 of Assessor's Map #180 & Parcel #174 of Assessor's Map #180, with existing structure. (65-day application period ends 8/28/14):**

**and**

**2a. ZC2014-014 – 1961 Boston Post Road – Coastal Area Management (CAM) Application associated with Special Permit ZC2014-014, 1961 Boston Post Road (Map #180/Lots 113 & 174) (65-day application period ends 5/27/14):**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:  
**VOTED:** Unanimously to receive Application ZC2014-014 and ZC2014-014 (CAM).

Upon a motion by Lee Archer, seconded by Mike Engels, it was:  
**VOTED:** Unanimously to adjourn the Regular Meeting to the Public Hearing portion of the meeting at 7:10 p.m.

**PUBLIC HEARINGS:**

**3. ZC2006-02M – 1306 Boston Post Road: Continued Public Hearing on the Special Permit Modification to previously approved permit Z0602. Proposal involves a single family residence, two-family residence, and bakery establishment. (Sections 4.52.03, 4.52.06a & 4.52.06b). (27-day extension granted for public hearing period ends on 6/24/14):**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to open the Public Hearing for Application ZC2006-02M.

A letter was received from the applicant requesting a continuance to the July 22<sup>nd</sup> Meeting.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to continue the Public Hearing for Application ZC2006-02M to July 22, 2014 to be held at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

**1. ZC2014-013 - 1961 Boston Post Road – Public Hearing on the Application for a proposed Zone Map Change on Parcel #113 of Assessor’s Map #180 & Parcel #174 of Assessor’s Map #180, from NCD (Neighborhood Commercial District) to PRDD (Planned Residential Development District). (35-day to end public hearing period – 7/29/14):**

**and**

**2. ZC2014-014 – 1961 Boston Post Road – Public Hearing on a Special Permit Application for a proposed Multi-Family Residential Building with 24 units (new) and storage building (new) on Parcel #113 of Assessor’s Map #180 & Parcel #174 of Assessor’s Map#180, with existing structure. (35-day to end public hearing period – 7/29/14):**

**and**

**2a. ZC2014-014 – 1961 Boston Post Road – Coastal Area Management (CAM) Application associated with Special Permit ZC2014-014, 1961 Boston Post Road (Map #180/Lots 113 & 174) (65-day application period ends 5/27/14):**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to open the Public Hearings for Applications ZC2014-013, ZC2014-014 and ZC2014-014 (CAM).

Attorney Ed Cassella requested that all previous testimony placed into the record for the withdrawn applications are carried forward to these applications.

Attorney Cassella, for the record, gave an overview of what has been submitted. They are requesting a zone change for the two parcels involved from NCD to PRDD and are proposing to build 16 1-bedroom units and 8 2-bedroom units, the occupancy of which will be limited to VISTA Outreach students only. A list of all exhibits submitted was distributed with the packets. They have gone before the Planning Commission and they sent a letter that states that they found the proposal consistent with the Plan of Conservation and Development. They are asking the Commission to consider the contents of Route 1 and not the residential areas down the street.

The proposal meets all requirements of a PRDD Zone. Attorney Cassella went over how they meet all the regulations, including Open Space. They have been to the Fire Marshal and the Health Department. There will be a crosswalk across Route 1 which will flow to another bus stop that will be erected by the 9-Town Transit Bus Line.

Engineer Bob Doane went over the history of the property, including previous approvals. There are a total of 32 bedrooms proposed in 24 units and there will be office space in the Old Dibble House which is still on the property. All issues of concern and all recommendations from Town Engineers Woodard & Curran have been addressed. They have recently met with 9-Town Transit and asked them to look at a modification of the proposed bus stop that is part of the proposal. They have since modified the bus stop to allow for a standard transparent bus stop, which will be 9' x 5' transparent, weather protected with a bench and enough room for wheelchairs. The plan also shows the future development of the bus stop for the northern side of Route 1 to accommodate if the modification is requested by the State. The applicant wants to be clear that they are not proposing the crosswalk or the bus stop on the North side of Route 1, they are only demonstrating what could be there at a later date. One of the other changes is that the indent off Route 1 on the south side is larger to accommodate a larger bus instead of a van.

Michael of 65 Chapman Beach Road asked how it would be decided that the 27 reserve parking spaces if the Commission deemed it were necessary or the applicant would have to come forward with another application.

Attorney Cassella read for the record, the possible stipulations that would be made part of the approval, if approved, as recommended by ZEO Officer Nancy Rudek. He further stated that they would be willing to accept all the stipulations mentioned.

Anthony Calderoni of 81 Chapman Beach Road asked if the additional 27 parking spaces will be paved or stone. It was stated that if they need to be build, they could be either material.

Architect Peter Springsteel went over how the applicant came to the proposed design of the building. He discussed all material that will be used

Traffic Engineer Wayne Hesketh submitted a report, dated June 22, 2014 as a supplement to the report submitted on April 22, 2014. He stated that he looked at the previous approval and how the traffic it would have generated. He went over all of his findings and stated that he does not feel that a left hand turn is necessary going west. He also included in his report the possible impacts from the development of Max's Plaza in Old Saybrook. He has reviewed all site-lines and he feels they are safe and sufficient.

Helen Bosch, Executive Director of Vista stated that some of the 2 bedroom units would only be occupied by one person and the other bedroom would be a guest room for when family comes to visit. She explained again who would be living in the units and how the whole ownership and any sales of the units would work. She talked about the success of Canterbury Woods located in Clinton. Ms. Bosch stated that they are financially stable and have had 86% growth in revenues in the last 10 years. She submitted a recent audit report of Vista for the record. Ms. Bosch stated that the buses go through every hour and is open to anyone who want to ride them, not just the

residents of the development. There will be no chaperones living on site but they will give resources to neighbors if any problems arise.

Dick Delorenzo of Chapman Beach asked that even though Vista will not own any of the units, will there be staff on sight during the day. It was stated that yes there would be staff there during the day, but this is not an assisted living development. Mr. Delorenzo asked if the Applicant could live with 16 units instead of 24. Ms. Bosch stated that their Clinton Development has done very well and they want more units with this development.

Attorney Cassella introduced Joe Commaford of 9-Town Transit if case anyone has any questions for him. He stated that it would be there responsibility to install a side walk as well as the bus stop on the north side of Route 1. They will probably get State funding to do this project, but he does not know how long it will take. Harry Ruppenicker Jr. asked how someone would catch the bus going westbound before the bus stop is completed. It was stated that the Vista residents would know what to do and when to cross the road.

Attorney Cassella submitted a list of property owners within 500 feet of the applicants property and also submitted letters from the following people who support the applications:

1. Yeva Pierpont
2. Nancy Wood
3. Helen Donnellan
4. Beth Barrientos

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

1. Margaret Devine – 77 Waldron Drive stated she was opposed to the application because of the size of the building. She is also opposed to the proposed zone change from NCD to PRDD.
2. Caroline Dorsey Vanacour – 62 Perigee Lane Stated that she is in favor of the application, she has had Vista students as neighbors and they are wonderful. This is a wonderful opportunity for Vista students.
3. Andy Calderoni – President, District of Chapman Beach stated that he submitted a protest petition that has 24 signatures out of the 40 residence that live on Chapman Beach. He read the State Statute that refers to a petition and stated that because it was submitted, the Commission must have 2/3 of approval by the members in order to pass. (Chairman Marino stated that the petition was received and is being verified to determine if it is valid).
4. Andy Calderoni – 81 Chapman Beach Road stated, on his own behalf stated that is not opposed To Vista, it's the size of the project and feels the proposal is not keeping the tenor of their neighborhood or of Route 1.
5. Mike Zubretsky – 65 Chapman Beach Road stated that he opposed to the size of the proposal, not Vista. He stated that he really doesn't understand the significance of the traffic study that was done because it was done at non-peak hours and was not done on a weekend and was done during off-season for the summer traffic. He is also concerned about the site lines, he feels it is already hard to see and exit Chapman Beach Road onto Route 1. He feels this could compromise the safety of anyone walking or crossing the road to catch a bus.

It was stated by Attorney Cassella that the State has approved the site lines and they feel that there are no safety issues.

6. Andy Calderoni submitted one more signature for the protest petition.
7. Andy Schatz – 25 Chapman Avenue thanked the Commission for their time. He stated that he is very sympathetic to handicapped people but he is concerned about the size of the building. He stated that Vista is very successful and asked if there has been a financial study to build 16 units instead of 24. He is also concerned about drainage from the property going onto the house on Waldron Drive. (Mr. Schatz also sent an e-mail to ZEO Nancy Rudek dated 6/24/14). It was stated that Vista already explained why they are proposing 24 units instead of 16. Engineer Bob Doane stated that the plans submitted state that there will be less drainage from the property than there is now and the Town Engineer agreed with the information supplied.
8. Mike Greco – 64 Chapman Beach Road stated that he is concerned about the size of the proposal. He stated that he did go look at Canterbury Woods in Clinton and it blended in very well. But this proposal in Westbrook is tremendous and he feels it will really stick out and not blend in like the development in Clinton.
9. Dave Cusano – Parent of a Vista Student and lives in Branford stated that he has been looking for something like this for his child for 5 years. There is a shortage for this type of housing and it is important to approve this application.
10. Linda Kinsella – 36 First Avenue stated that she is opposed of the zone change for 5 reasons, please see letter that was submitted to the Commission.
11. Janet of 31 First Avenue stated that she agrees with everything Linda Kinsella said.
12. Sandra Gales – 34 First Avenue stated that she is opposed due to the size.
13. Ed Gales – 34 First Avenue stated that he is opposed to the Zone change and wants it to stay residential.

Attorney Cassella stated for the record that the petition submitted does not reference the correct Application numbers. Her referred to the regulations and stated that he feels this project is just the right size. There needs to be alternatives to single family housing and again went over all the reasons why they feels this application should be approved.

14. Andy Calderoni stated that the application numbers on the petition are from the applications that were withdrawn and stated you can't ignore the 24 residents that signed. Therefore, the petition should not be dispelled because they only received notification of the different application numbers on Saturday.

Chairman Marino, again, stated that the validity of the petition has to be determined

ZEO Nancy Rudek asked if the Town of Westbrook or the ZEO would oversee the easement. The answer was yes.

Dwayne Xenelis asked what prevents the additional bus stop from becoming part of this application. Bob Doane stated that because the property does not belong to the applicant and the 9-transit district has to propose it.

Discussion of the CAM application: A letter was received from DEEP and for all of the applications and they stated that they no issues with the application.

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

**VOTED:** Unanimously to close the Public Hearing for Application #ZC2014-013.

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

**VOTED:** Unanimously to close the Public Hearing for Application #ZC2014-014.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to close the Public Hearing for Application ZC2014-014 (CAM).

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to close the Public Hearing portion and return to the Regular Meeting at 9:24p.m.

**REGULAR MEETING:**

**Possible deliberation and vote:**

**1. ZC2014-013:**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to table Application ZC2014-013.

**2. ZC2014-014 and ZC2014-014-CAM:**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to table Applications ZC2014-014 and ZC2014-014-CAM.

For the record, for voting purposes, Lee Archer listened to the tapes of the last two meetings and Dwayne Xenelis will listen to the beginning of tonight's meeting.

**3. ZC2006-02M:**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to table Application ZC2006-02M.

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

**2. ZC2014-009 – 209 Salt Island Road – Continued Coastal Area Management (CAM) Application to raise existing house to meet FEMA flood regulations. (65-day application period ends 7/31/14) [possible deliberation and vote]:**

This proposal has to be reviewed by both Zoning and ZBA. Attorney Casey stated that we could wait for ZBA to approve it or go ahead and vote. If the ZBA doesn't agree, the application would have to come back to Zoning. An e-mail was received from Attorney Mark Branse, dated 6/24/14. A letter dated 6/24/14 was received from Attorney Thomas Cronan, who represents the applicant. A letter dated 6/20/14 from DEEP recommending a silt fence. The consensus of the Board Members is to vote on this application tonight.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to approve application ZC2014-009 CAM with the following stipulations:

1. That the silt fence shown on the site plan be installed and maintained as proposed for the duration of the project.
2. The approval is effective upon the approval of ZBA.

**3. ZC2014-010 – 92 Captains Drive – Continued Coastal Area Management (CAM) Application for a proposed retaining wall. (65-day application period ends 7-31-14) [possible deliberation and vote]:**

The applicant has requested that the application be tabled until the July Meeting.

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

**VOTED:** To table Application ZC2014-010 to the July 22, 2014 Meeting at 7:00 p.m. to be held in the Multi-Media Room at the Mulvey Municipal Center.

**1. ZC2014-008 – Continued discussion on Proposed Regulation Amendment for Donation Bins – New Section - Town of Westbrook Application:**

The Commission agrees that this should be regulated.

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

**VOTED:** Unanimously to set a Public Hearing date of August 26, 2014 for Application ZC2014-008, to be held at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

**MISCELLANEOUS:**

Engineer Joe Wren stated that he was approached by a client from California who has a mother-in-law that lives on Brittney Lane. They would like to build a separate accessory building to live in so they can take care of the family member. He is presenting the question of whether or not the Commission would entertain something like this. Chairman Marino stated that a Zone change would be needed for something like this or they would have to obtain a variance from ZBA. Mr. Wren stated that he would have a difficult time proving a hardship to ZBA. Harry Ruppenicker Jr. stated that ZBA cannot give a variance for something that is not allowed. Something like this could become a rental down the road and the Commission feels that if considered, it would be opening a can of worms. Mr. Wren if it was possible to have an age restriction in the regulations. The Commission will not give any direction tonight, but Mr. Wren can continue to work with Nancy Rudek and Meg Parulis (they can look at other town's and if and how they deal with this type of situation). Harry Ruppenicker Jr. stated that this Commission has been very against anything like this in the past.

**COMMISSION BUSINESS:**

**1. ZEO Report: May 2014:**

Distributed and discussed. Dwayne Xenelis asked what the status was with the Material discrepancy for the apartments that Pilot's Point is building. ZEO Nancy Rudek stated that it has not been settled yet and they can only build the foundations at this time.

**2. Miscellaneous Correspondence:**

None.

**3. Bills:**

The following bills were paid out of the Zoning Commission Regular Budget:

Katie Kelemen - \$150.21 for Secretarial duties for May

Hartford Courant - \$130.68 – Legal Ad (Inv#1337044, 1290701)

WB Mason - \$7.99 – supplies (Inv#118389912)

Nathan L. Jacobson & Assoc. - \$224.62 – Flood Reviews for 54 Captains Drive, 482 Seaside Avenue and 241 Old Kelsey Point Road)

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

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

**VOTED:** Unanimously to approve payment of \$111.00 out of the 150% account for review of 1961 Boston Post Road.

**Special Funds – Bond Releases**

None.

**APPROVAL OF MINUTES – Regular Meeting May 27, 2014:**

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

**VOTED:** Unanimously to approve the minutes of the May 27, 2014, as distributed.

**ADJOURNMENT:**

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

**VOTED:** Unanimously to adjourn at 10:02 p.m.

Respectfully submitted:

---

Kathleen H. Kelemen, Secretary