

**ZONING COMMISSION REGULAR MEETING MINUTES
JUNE 25, 2013
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Tom Belval, Alternate Member Tom D'Antico, Alternate Member Mike Engels, Alternate Member Linda Nolf and ZEO Nancy Rudek,

CALL TO ORDER: The meeting was called to order by Chairman Tony Marino at 7:05 p.m.

ESTABLISHMENT OF QUORUM: Chairman Marino appointed Tom D'Antico to sit for Lee Archer and appointed Linda Nolf for Dwayne Xenelis.

AGENDA ADDITIONS:

None.

PUBLIC HEARINGS:

None.

JOINT MEETING

Discussion of responsibilities of new Harbor Management Plan:

Members of the Harbor Management Commission that were present: Chairman Mike Farrell, Bill Angelini, John Rie, Brian Faucher, Ronnie Stevensen, Gary Nolf, Jeff Gordan, Alternate Evan Cusson and Torrence Downes.

Torrence Downs indicated that he was taping the meeting. The Zoning Commission also stated that they were taping the meeting.

Town Planner Meg Parulis stated the reason for the joint meeting was discuss how to coordinate between the 2 Commissions for Land Use Applications. A copy of the proposed Town Ordinance was distributed to all members of the Zoning Commission. The proposed Town Ordinance states that all applications within the Coastal Management Area are to be referred to the Harbor Management Commission. This would be a lot of applications, especially ones handled administratively. This would put an extra work burden on the Land Use Staff. Ms. Parulis suggested referring only applications that would affect the consistency of the Harbor Management Plan. Ms. Parulis stated that the Town has very comprehensive Flood Regulations and everything is reviewed by the Town Engineer.

Ronnie Stevenson stated that they would be interested in any application that was direct water front or right along the rivers. They would include applications for Docks, Decks, Boardwalks, Bulkheads or Pile Driving, especially in the rivers.

There was discussion of submitting requested information digitally. A copy of the Zoning Commission Meeting Agenda can be submitted to the Harbor Management Commission and they can notify the Zoning Commission of any of the applications they would like to review. This would be good, but would not cover any applications that would be handled administratively. ZEO Nancy Rudek stated that she can give a list of all applications to the Harbor Management Commission. Torrence Downes stated that there is now a certification form required by any applicant to DEEP & the Harbor Management before any negotiations can begin. This would include any applications for sea walls or rip-rap. Meg Parulis stated that she felt that the Town is regulated by State Statute and we are obligated to inform the Harbor Management of any applications. Therefore, she feels that the guidelines to follow should be part of the Zoning Regulations and not a Town Ordinance. A copy of the Harbor Management Commission guidelines should be kept at the Land Use Counter for reference whenever needed by staff. Members of both Commissions were asked to submit a draft outline of all ideas discussed tonight and submit them to each other for future discussion.

REGULAR MEETING:

NEW BUSINESS:

RECEIPT OF APPLICATIONS:

1. ZC2011-014M – 2 Pettipaug Road (The Lee Co) – Proposed Modification to previously approved Special Permit, requested under Sections 7.60.01 and 7.60.03 of the Zoning Regulations. (65-day application period ends 8/29/13) [possible deliberation and vote]:

Engineer Matthew White was present representing the applicant. A memo dated 6/24/13 from Town Planner Meg Parulis was read for the record. Engineer Matthew White stated that they are proposing minor site changes to the approved site plan. There are general architectural changes to the building, but within the same footprint. They changed the entry vestibules and added a patio. On the east side of the building, there will be 2 small protrusions and there are minor changes to the connection to Building 3. The parking lot has been reconfigured to correct a difficult traffic pattern. They have eliminated 10 spaces, but added them to the reserve parking area. The building needs to be sprinklered so they have added a 50 thousand concrete underground water tank because Connecticut Water has not installed a tank as planned. The landscaping plan has actually improved. There are more trees and shrubbery being proposed.

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

VOTED: Unanimously to approve the modification to Special Permit ZC2011-014 (under Section 7.60.00), property of the Lee Company to allow modifications involving modifications to the parking area southeast of Building 9 to help the flow of traffic. A landscaped island is to be removed. Ten (10) parking spaces are to be removed from this area and placed in the reserve parking area on the north side of Building 9. Landscaping to be modified at the entrance of Building 3h, and around Building 9. The Lighting Plan is amended to adjust to the changes in the parking lot. A 120 s.f. pump house accessory building is proposed to be constructed on the west side of Building 9, along with a 50,000 gallon buried water tank. There are minor architectural modifications to the Building 9 floor plan.

OLD BUSINESS:

1. ZC-2013-012 – 121 Little Stannard Beach Road – Coastal Area Management Application (CAM) for raising existing residential house to meet FEMA/Flood Requirements, with an addition on the west side of the house that meets Zoning setback regulations. (65-day application period ends 8/1/13):

Anthony Hendricks was present representing applicant Robert Hagemester. He stated that they are proposing to raise the home from elevation 6 to elevation 14 and to move the garage to bring it into compliance with the current regulations.

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

VOTED: Unanimously to approve Application ZC-2013-012, 121 Little Stannard Beach Road, for Coastal Area Management (CAM) Application to raise an existing two-family residential structure to meet FEMA/Zoning Flood Regulation Requirements. The proposal involves construction of a new foundation, small addition and relocation of existing garage. As depicted on the referenced site plan, the proposal meets the Zoning Regulations. The increase in building coverage is less than the amount required to provide a Stormwater Management Plan.

NEW BUSINESS:

RECIPT OF APPLICATIONS:

1. ZC-2011-16M - 1551 Boston Post Road – Site Plan Modification Application for a proposed frozen yogurt. Property Owner: DGG Properties. Applicant: Bruce Hebert. (65-day application period ends 8/1/13) [possible deliberation & vote]:

Applicant Bruce Hebert was present and stated that he would like to put a Frozen Yogurt business in the Rich Building located at Water's Edge. This location was previously approved for a "Tropical Smoothie Café", which never opened. This business is a similar use and will be dessert only. The only difference is that they are proposing 6 outside picnic tables. There will be no change in the parking calculations. The previous approval was for 34 seats and they are proposing seats including the tables outside.

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

VOTED: Unanimously to approve Site Plan Modification to permit the use of a Dessert Restaurant (Self-Service Frozen Yogurt Bar) using 900 sq. ft. within an existing building known as the "Rich Building", with a total seating capacity of 32 seats – 8 interior counter seats and 6 outside tables for 4 seats each = 32 total seats. This approval is subject to approval by the Health Department and any other agency approvals. A change in the site plan will include the proposed outside seating. Signage will be used by replacement of a former tenant sign on the existing Main Unified Free-Standing Sign at the northern boundary of the site.

MISCELLANEOUS:

None.

COMMISSION BUSINESS:

1. ZEO Report:

Distributed and discussed.

2. Miscellaneous Correspondence:

1. E-mails from Roanld Bomengen to Jeff Stearns regarding 250 Flat Rock Place.
2. Copy of Notice 13-01 from Department of Economic and Community Development.
3. Copy of Sound Outlook – June 2013.

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

- Recording Secretarial Services: \$202.95 (K. Kelemen – May 2013)
- Branse, Willis & Knapp: \$1,567.50 (Invoice #33165, #33167)
- Nathan L. Jacobson & Assoc., Inc.: \$1060.80 (Flood Engineering Reviews – Invoices #77802, #77803, #77968, #77969 and #77970)
- Nancy J. Rudek: \$108.79 (Mileage-inspections & 2 day travel/parking to National Flood Conference)

150% Special Funds – Consulting Services:

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

VOTED: Unanimously to approve payment of \$66.00 to Branse, Willis & Knapp for review of Bessoni 8-30g Modification.

Special Funds – Bond Releases

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

VOTED: Unanimously to approve the release of the following outstanding bonds from the 150% Bond Accounts:

For Professional Review Accounts:

1. 5 Pequot Park – Medical Offices (Engineering and Legal): \$1,889.00
2. Hammock Road Silverbrook West (Engineering and Legal): \$2,001.50
3. Stop & Shop, Flat Rock Place (Engineering and Legal): \$12,519.95
4. Water's Edge, 1525 Boston Post Road (Legal): \$7,335.55

For Performance Bonds:

1. Salt Island Properties, LLC (2046 Boston Post Road): \$1,363.67
2. Salt Island Properties, LLC (2046 Boston Post Road): \$555.09

For Driveway Bonds:

1. 140 Osprey Circle: \$500.00
2. 340 Toby Hill Road: \$500.00
3. 630 Old Clinton Road: \$500.00

APPROVAL OF MINUTES – May 28, 2013 Regular Meeting Minutes:

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

VOTED: Unanimously to approve the minutes of May 28, 2013, as submitted.

ADJOURNMENT

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

VOTED: Unanimously to adjourn at 8:11 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary