

**ZONING COMMISSION REGULAR MEETING CORRECTED MINUTES**  
**June 28, 2011**  
**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 Lee Archer, Alternate Member Tom D'Antico, Alternate Member Dwayne Xenelis, and ZEO Nancy Rudek.

**Also Present:** Loren Baker Jr., Gregg Prevost and Ron Lyman.

**CALL TO ORDER:** Chairman Tony Marino called the regular meeting to order at 7:02 p.m.

**ESTABLISHMENT OF QUORUM:** Chairman Marino seated Dwayne Xenelis for Chris Ehlert.

**AGENDA ADDITIONS:** None.

**PUBLIC HEARING(s):**

Upon a motion by Tom Belval, seconded by Lee Archer, it was:

**VOTED:** Unanimously to open the Public Hearing for 1316 Boston Post Road – (Westbrook Ambulance Building) Application for proposed relocation of Town Fuel Tanks from current location at Town Municipal

**Z2011-06 – 1316 Boston Post Road – (Westbrook Ambulance Building) Public Hearing on a special Permit application for proposed relocation of Town Fuel Tanks from current location at Town Municipal Garage to the Westbrook Ambulance Property. Property ID#177/031 (35 –day public hearing period ends 8/2/11)**

Loren Baker Jr. and Gregg Prevost were present. Loren Baker Jr. gave a background of the application. Originally they were proposing to move the current tanks at the Town Garage to this location, but Public Works has voted to retain ownership of the tanks and move them to the new location of the Town Garage on Route 153. They are now proposing to purchase a 1000 gallon dual tank that will hold 500 gallons of diesel and 500 gallons of gasoline. Mr. Baker stated that they have presented to the Sanitation Dept. and Fire Marshal and they have approved the proposal. The tank will primarily be used by the Fire Department and Ambulance Association and occasionally by Public Works and the Police Department. Tom Belval asked what the plan was for any spillage. Mr. Baker stated that there would be speed dry and sand at the fill site in case of any spill. Mr. Baker stated that are looking at a card key system to keep track of usage. Tom Belval asked why they can't just use gas cards. Mr. Baker stated that if there is an emergency and there is no power, the area gas stations don't have emergency back up generators. The ambulance building will have this.

Chairman Marino read the following correspondence that was received into the record:

1. 6/27/11 letter from IWWC which stated that the proposal is outside the review area, so no IWWC permit is needed.
2. 6/24/11 letter from the Conservation Commission with 3 recommendations:  
Drainage should be provided.  
Any fueling should be attended during entire fill-up.  
Tanks should be used by authorized and trained personnel only
3. 6/20/11 letter from the Planning Commission making the following recommendations:  
Appearance should meet the standards of the Town Center  
Landscaping and pedestrian walkway be provided.

4. 6/15/11 Letter from the Health Department with the following statements:  
The above ground tanks need to be placed no closer than 10 feet from the concrete galleries, which do not appear to be H-20 rated.  
Vehicle Bollards need to be placed as such to prevent vehicles from driving behind these above ground fuel tanks and onto the leaching system.
5. 6/17/11 letter from Fire Marshal requesting that all manufacturer's requirements and specifications be met.

Harry Ruppenicker Jr. stated that when the addition was approved by this Commission, it was stated that the largest trucks on the premises would be the ambulances. Mr. Baker stated that they will widen the driveway behind the building so that vehicles will be able to move freely. It was stated that this is not on the plans provided. The parking will not change. It was stated also that the approval of the addition to the Ambulance Building would include sidewalks and shutters on the building and this still has not been done. Mr. Prevost stated that these things will be done at the end of the month.

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. Bill Murphy who lives on Salt Island Road stated that he is opposed to the application because of the noise, the smell of gasoline and the late hours of fuel delivery.
2. Denise Murphy stated she was also concerned with the amount of noise a back-up generator would make.

It was stated that these tanks will not be filled at night.

Chairman Marino asked why they felt it was necessary to put up additional tanks instead of using the tanks at the Town Garage. Mr. Baker that he felt that it is a waste of volunteers time and inconvenient. Tom Belval asked about insurance and will it be more costly to the town when tanks are located in two locations. First Selectman Noel Bishop stated that he will look into the matter. Mr. Bishop further stated that the Board of Selectmen support the proposal for the convenience factor.

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

**VOTED:** Unanimously to close the public hearing for this application.

A motion was made by Harry Ruppenicker Jr. and seconded by Dwayne Xenelis to:

Approve the application for Special Permit for 1316 Boston Post Road to install a 1000 gallon fuel tank with the following stipulations:

1. Landscaping and Bollards are to be placed around the tank for protection purposes.
2. The north driveway will be widened to facilitate a turn-around for large vehicles and will be added to the plans.
3. Application will submit a spill management plan to the ZEO for approval.
4. Revised plans are to be submitted.

Discussion: Dwayne Xenelis stated that he has concerns because eventually there will be a spill and it has to go somewhere. He feels that this should be reviewed by the Town Engineer for safety issues.

The motion was amended to include the following additional stipulation:

5. Revised plans are to be submitted to the Town Engineer for review and that all safety requirements and recommendations by the Town Engineer be met including compliance with Storm water management and environmental concerns.

Vote: Ayes: Tony Marino, Harry Ruppenicker Jr., Lee Archer and Dwayne Xenelis. Nays: Tom Belval.  
The motion carried.

**MISCELLANEOUS:**

**1. Z0208 – 1160 Boston Post Road – Informal discussion regarding modifications to landscaping (Previously approved Special Permit Z0208-7/23/02)**

Ron Lyman, property owner was present and stated that he did not realize that that the landscaping was part of the approval for the property and he removed the landscaping that was the buffer between his property and the Town property. He stated that the plantings were interfering with the 3 parking spots for the building and they were damaged from the snow plowing this past winter. He felt that it was a safety issue as well as a site line issue. He stated that he would like to replace the plantings along Route 1 with appropriate plants. He would like to plant perennials like those that are around the Town Green. He would prefer to not have to replant the buffer along the edge of the parking area. Chairman Marino stated that the area has to be planted because a planted buffer between his property and the Town Property was part of the original approval. It was recommended that Mr. Lyman working with ZEO Nancy Rudek and Town Planner Meg Parulis to put together an appropriate landscaping plan and submit it to the Zoning Commission for approval.

**NEW BUSINESS:**

**Receipt of Applications:**

**1. Z2011-07 – 60 Chapman Beach Road** – Coastal Area Management Application (CAM) for the proposed construction of a new single family residential house on a vacant lot of record. (Property ID#180/018) (65-day application period ends 9-1-11)

ZEO Nancy Rudek stated that this application has been sent to DEP Office of Long Island Sound for review, as well as the Town of Old Saybrook.

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

**VOTED:** Unanimously to accept application Z2011-07 and place it on the July 26<sup>th</sup> Meeting Agenda, pending reviews.

**2. Z2011-08 – Duck Island Landing** – Special Permit Application for a proposed development of 3 residential apartment buildings with 13 units (32 bedrooms) and associated site improvements on a 1.5 acre parcel – south side of Boston Post Road, NCD Zone District, Flood Zone AE, Property owned by Pilots Points Marina, Inc. (Property ID#188/Lot 020) (65-day application period ends 9-1-11)

This application is for one lot and the next application is for a second lot. The land shows as one parcel on the Assessor's Map, but is truly 2 separate parcels. This application, as well as Z2011-09 (below) have been sent to the Town Engineer and DEP for review.

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

**VOTED:** Unanimously to accept application Z2011-08 and to set a Public Hearing dated for August 23, 2011 at 7:00 p.m. in the Multi-Media Room at the Westbrook Mulvey Municipal Center.

**2a. Z2011-08a** – Coastal Area Management Application (CAM) associated with Special Permit Z2011-08.

Upon a motion by Dwayne Xenelis, seconded by Tom Belval, it was:

**VOTED:** Unanimously to accept Z2011-08a – CAM Application and place on the August

23, 2011 Meeting Agenda to be held at 7:00 p.m. in the Multi-Media Room at the Westbrook Mulvey Municipal Center.

- 3. Z2011-090-0Marina Way Landing** - Special Permit Application for a proposed development of 3 residential apartment buildings with 14 units (33 bedrooms) and associated site improvements on a 2.9 acre parcel – south side of Boston Post Road, NCD Zone District, Flood Zone AE, Property owned by Pilots Points Marina, Inc. (Property ID#188/Lot 020) (65-day application period ends 9-1-11)

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

**VOTED:** Unanimously to accept application Z2011-08 and to set a Public Hearing dated for August 23, 2011 at 7:00 p.m. in the Multi-Media Room at the Westbrook Mulvey Municipal Center.

- 3a. Z2011-09a** - Coastal Area Management Application (CAM) associated with Special Permit Z2011-09.

Upon a motion by Dwayne Xenelis, seconded by Tom Belval, it was:

**VOTED:** Unanimously to accept Z2011-09a – CAM Application and place on the August 23, 2011 Meeting Agenda to be held at 7:00 p.m. in the Multi-Media Room at the Westbrook Mulvey Municipal Center.

#### **OLD BUSINESS:**

None.

#### **COMMISSION BUSINESS**

1. **ZEO Report:** Distributed and discussed.
2. **Possible Amendments for discussion – Proposed Junk Regulation, Section 8.07.00 of the Zoning Regulations:** Copies of the proposed regulations were distributed to all members. A Public Hearing will be scheduled for July 26, 2011 at the July Meeting to be held in the Multi-Media Room at the Mulvey Municipal Center.
3. **Miscellaneous Correspondence:**
  - a. Copy of 5/24/11 letter from CT DOT to DGG Properties regarding a request for a new State Traffic Commission Certificate.
  - b. Copy of 5/25/11 letter dated 5/6/2011 from Zoning Commission Chairman Tony Marino to IWWC Chairman David Stein regarding the appointment of Dwayne Xenelis as the Zoning Commission Representative to the IWWC.
  - c. Copy of e-mail from Teen Leadership to ZEO Nancy Rudek regarding potential application for a “Red Box” in Westbrook.
  - d. Copy of new Section 8 of the Zoning Regulations.
  - e. Copy of 6/8/11 letter from Land Use Dept. to CAZEO regarding confirmation of Town Employment for Lisa DeMaria.
  - f. Copy of notice from ZEO Nancy Rudek regarding 18 Business owners that were sent letters regarding signage.
  - g. Copy of letter dated 6/14/11 from State Traffic Commission to Milone & MacBroom regarding Lee Company, Pequot Park Extension.
  - h. Copy of 6/8/11 memo from ZEO Nancy Rudek to the Board of Selectmen regarding the new proposed fee schedule.
  - i. Copy of 6/21/11 e-mail from Jay Sheehan to Jay Northrup regarding Westbrook Flood Hazard Mitigation.

- j. Copy of 5/26/11 Letter of resignation from Commission Member Chris Ehlert.
- k. Copy of 5/24/11 memo from ZEO Nancy Rudek regarding 79 Boston Post Road.
- l. Copy of 2011 Hope Regional Housing Forums.
- m. Copy of 5/3/11 IWWC Minutes.
- n. Copy of 5/14/11 Conservation Commission Minutes.

**4. Bills:**

**Regular Budget: 2011/2012**

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

**VOTED:** Unanimously to approve payment of the following bills:

- Branse, Willis & Knapp: **\$203.00** (General Legal Invoice ( #28032, 28033 )
- Recording Secretarial Services: **\$83.21** (K. Kelemen, 05/31/11 mtg.)
- WB Mason: **\$97.91** (Misc. Office Supplies – Invoice #695697)
- Hartford Courant: **\$123.80** (Legal Notices – Inv.3725928)
- Mileage Reimbursement: **\$138.21** (Nancy J. Rudek/ZEO mileage, 4/12-6/21/11)
- Woodard & Curran: **\$1057.25** (Lighting & Stormwater Regs Inv#83831, 83832)
- Ciel Inc. Printer Services: **\$43.29** (New regulation copies, Inv. #37776)
- CCAPA: **\$35.00** (Hot Topics-Land Use Law Seminar, Hartford – N. Rudek 6/10/11)

**APPROVAL OF MINUTES: May 24, 2011 Meeting**

Upon a motion by Dwayne Xenelis, seconded by Tom Belval, it was:

**VOTED:** Unanimously to approve the minutes of the Regular Meeting for May 24, 2011, as Corrected (Page 2: change Wayne Xenelis to Dwayne Xenelis).

**ADJOURNMENT**

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

**VOTED:** Unanimously to adjourn this Regular Meeting at 8:41 p.m.

Respectfully submitted:

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Kathleen H. Kelemen

Note: Corrections indicated in bold, underlined and italicized print.