

**ZONING COMMISSION REGULAR MEETING CORRECTED MINUTES  
JULY 23, 2013  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Tom Belval, Regular Member Dwayne Xenelis, Regular Member Lee Archer, Alternate Member Tom D’Antico, Alternate Member Mike Engels, Alternate Member Linda Nolf, ZEO Nancy Rudek, Town Engineer Jay Sheehan and Town Planner Meg Parulis.

**CALL TO ORDER:** The meeting was called to order by Chairman Tony Marino at 7:00 p.m.

**ESTABLISHMENT OF QUORUM:** All Regular Members were present.

**AGENDA ADDITIONS:** None.

**PUBLIC HEARINGS:**

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

**VOTED:** Unanimously to recess the Regular Meeting and open the Public Hearing portion of the meeting at 7:01 p.m.

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

**VOTED:** Unanimously to open the Public Hearing for ZC2013-007.

**1. ZC2013-007 – Town of Westbrook Application to Amend the Zoning Regulations, Section 10.03.05 regarding width of access drives. (35-day public hearing period ends 07/30/13):**

The purpose of this amendment is to address the differential levels of Commercial/Residential/Single Driveways, including minimal shoulders. The following correspondence was received regarding the application: Letter dated 7/3/13 from CT DEEP, a letter dated 6/4/13 from River CoG, and a letter dated 7/12/13 from Town Planner Meg Parulis. There was concern stated for the allowance of only 18’ for two-way traffic for a Common Access Drive serving more than 3 residential dwelling units. There was discussion of requiring 18’ with no curbing, but 20’ with a curb. Language could be added regarding curbing requirements. There would also be a difference of “paved” versus “gravel”. Also, fire department needs should be incorporated into this regulation. Meg Parulis stated that she will look at the proposed amendment and bring it back to the Commission.

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

**VOTED:** Unanimously to table the Public Hearing for ZC2013-007.

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

**VOTED:** Unanimously to open the Public Hearing for ZC2013-008.

**2. ZC2013-008 – Town of Westbrook Application to Amend the Zoning Regulations, Section 10.26.01 and new Section 10.27.06 – Identification Signs for Multi-Family Residential Development. (35-day public hearing period ends 7/30/13):**

The purpose of this amendment and addition is to enable identifying a multi-family development. At this time, Chairman Marino opened the floor to the public to speak in favor or against the amendment or just ask questions. There was no one from the public who wished to speak.

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

**VOTED:** Unanimously to close the Public Hearing for ZC2013-008.

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

**VOTED:** To close the Public Hearing portion of the meeting and re-convene the Regular Meeting at 7:21 p.m.

**REGULAR MEETING:**

**Possible deliberation and vote:**

**1. ZC2013-007:**

The Public Hearing for this application was tabled.

**2. ZC2013-008:**

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

**VOTED:** Unanimously to approve Application ZC2013-008 to amend the Zoning Regulations, Section 10.26.01 and new Section 10.27.06 – Identification Signs for Multi-Family Residential Development, with an effective date of 8/15/13.

**NEW BUSINESS:**

**RECEIPT OF APPLICATIONS:**

**1. ZC2007-004Ma – 730 Boston Post Road – Proposed Modifications to previously approved Special Permit, requested under Sections 7.60.01 and 7.60.03 of the Zoning Regulations, to allow relocation of a reduced size patio from the west side to the east side of the building. (65-application period ends 9/26/13) [possible deliberation and vote]:**

Applicant Christina Krasniqi was present and stated that they would like to relocate the patio to the other side of the building and use the current patio space for vehicular movement. This change will decrease the amount of seating because the patio will be smaller in size. Harry Ruppenicker Jr. pointed out that there are conditions of the approved Special Permit that have not yet been met. Ms. Krasniqi stated that they are aware of them and they will be addressing the landscaping and the issues on the outside of the building. A letter dated 7/18/13 from Town Planner Meg Parulis stating some concerns regarding the application.

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

**VOTED:** Unanimously to approve Application ZC2007-004Ma, Modification under Sections 7.60.01 and 7.60.03 to the previously approved Special Permit application for relocation of an outside patio from the west side of the building (currently 919 s.f.) to the east side of the building (proposed as 440 s.f.) with lighting and landscaping; And, a walk-in freezer on the west side of the building, with the following stipulation:

1. A new Landscaping Plan be submitted to the Zoning Enforcement Officer for approval, A Lighting Plan be submitted to the Zoning Enforcement Officer for approval and the dumpster be enclosed as per the original approval.

**2. ZC2013-013 – 209 Old Mail Trail – CAM – Coastal Area Management Application to allow the filling of property and removal of existing house and reconstruct new residential structure to meet FEMA requirements. (65-day application period ends 9/26/13):**

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

**VOTED:** Unanimously to receive Application ZC2013-013 and to table until the 27, 2013 Regular Meeting to be held at 7:00 in the Multi-Media Room at the Mulvey Municipal Center.

**3. 88 Pond Meadow Road/17 Willard Avenue – Informational Meeting to discuss potential IHZ project:**

Chairman Marino stated that the back taxes on the property would NOT be discussed this evening because it is not a Zoning issue.

Town Planner Meg Parulis stated that HOPE brought a development idea forward to create an incentive housing zone as an option

Bill Atridge, Lauren Ashe (Operations Manager), Thomas Ortoleva – All members of HOPE from Old Lyme. Mr. Atridge gave a back ground on HOPE:  
HOPE is a non-profit dedicated to developing affordable housing options on the CT Shoreline. They started in 2003. They work with Towns, private developers and property owners. The housing is consistent with what the Town wants and they are not a source of funding. The project that they are looking at is similar to Ferry Crossing project in Old Saybrook which was also a contaminated site (worse than Cusson). There are 16 condos and Town soccer field. The structures are high quality & good-looking housing and have professional property management. 225 people requested applications, 53 applications were completed and received, 27 applicants lived locally, 9 Old Saybrook residents became tenants, 7 residents work or volunteer in Old Saybrook, 4 residents are veterans.

If this project were to move forward, the following would have to happen:

The Town of Westbrook would have to establish an incentive housing zone, a feasibility study for remediation of the site would have to be done, if affordable, remediate the site - Westbrook take lead (hopefully with Grant money), HOPE find money to build houses, Bring in development team (developer, architect, engineer, lawyer)

As far as the property is concerned, at this time it is considered valueless property. There is probably State and Federal funds available to clean the site, but will not give funds unless there is a proposal in place. The property needs testing (septic, drainage, etc.), but the Town must commit to seeking funds & creating incentive zone before HOPE spends the money. The Westbrook Foundation has provided grant to do this testing. The property is 8 acres, but a lot of it is wetlands. They do not feel that a project like this will put a burden on the school system.

At this time, Chairman Marino opened the floor to the public. The following members of the public spoke:

1. Jeff Kriete asked what is the density? Answer given: Ferry Crossing is 16 per acre. Westbrook is 10 per acre. Septic will be limited factor so limit to 32/33 bedrooms. If greater, trigger over CTDEEP. Mr. Kriete also stated that Westbrook has 2 of these properties already: sweat equity and property near the library. Buildings are going to last 50-100 years so what controls are in place for long range planning? Answer given: The idea is to create an organization that will stand for the long-term. The intent is being good fiduciaries for the Town. There was a suggestion that we fold the other properties into this development.
2. Joel Maynard asked what is definition of affordable. Answer given: Meet HUD definition which is 80% of median income. In OS it is \$700 to \$1300 per month which is really market rental rates. 2 units have rental subsidy from VA. Mr. Maynard also asked what is tax revenue? Answer: Buildings are paid as property taxes to the Town, the town owns land and HOPE leases it. What is time schedule? Answer: At least 2 - 4 years to complete. Remediation is the real critical path. Who will pay for removal of contaminated soil?: Answer: The Town would apply for State or Federal Funds to do so. Who pays for repairs and asset management? Answer: HOPE builds up reserves for property management.
3. Fred Ciastko stated that In the City these property developments are built and in 20 years they fail. How do we manage that? Why doesn't the Town build 6 building lots? Answer: The town won't get the money for 6 building lots, and as far as maintenance Bylaws will be put in place. The project will be managed professionally and HOPE oversees that. The residents will have a lease and will have to abide by the rules.
4. Mr. Trnik stated that he was against the proposal because of the increased traffic. Someone suggested that the exit/entrance be off Willard Avenue instead of Pond Meadow Road. The next step would be for the Town to work with the Town Engineer to determine what kind of clean-up will be needed. Mr. Kriete requested to see a copy of the Phase III Report that was received 2 days ago.

Meg Parulis asked if the people at the meeting tonight were in favor of proceeding with the possibility for this project. There were 4 people who stated they were opposed. Mary Masterson stated that it is her understanding that moving forward at this time is only looking into if it is feasible. The project would have to go through all the necessary Boards and Commissions, just as any other application. Ms. Parulis stated that she would move forward in trying to get grant money to do the necessary testing.

**OLD BUSINESS:** None.

**COMMISSION BUSINESS:**

**1. ZEO Report:**

Distributed and discussed.

**2. Miscellaneous Correspondence:**

1. Copy of notification of Petition to amend Old Saybrook Zoning Map.
2. Copy of Notice of Non-compliance from CT DEEP, dated 6/25/13, to property owner at 1 Pepperidge Avenue.
3. Copy of e-mails regarding property on Old Mail Trail regarding a deck.
4. Copy of all amendments made to the Zoning Regulations.
5. Copy of Zoning Budget YDT.

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

- Recording Secretarial Services: \$112.76 (K. Kelemen – June 2013)
- Branse, Willis & Knapp: \$396.00 (Invoice #33192, #33193, #33195)
- Woodard & Curran: \$1357.50 (Misc Inv. #100373, #100702, #100724)
- Nathan L. Jacobson & Assoc., Inc.: \$1971.06 (#78125, #78126, #78127)
- Hartford Courant: \$92.12 (May Legal Notice)

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

None.

**Special Funds – Bond Releases**

None.

**APPROVAL OF MINUTES – June 25, 2013 Regular Meeting Minutes:**

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

**VOTED:** Unanimously to approve the minutes of June 25, 2013, as submitted.

**ADJOURNMENT**

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

**VOTED:** Unanimously to adjourn at 9:07 p.m.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary