

**WESTBROOK ZONING COMMISSION  
REGULAR MEETING  
August 24, 2010  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Tom Belval, Regular Member Harry Ruppenicker Jr., Regular Member Lee Archer, Alternate Member Tom D'Antico, Alternate Member Dwayne Xenelis and Regular Member Chris Ehlert (arrived at 7:15 p.m.) and Zoning Enforcement Officer Nancy Rudek.

**Also Present:** Attorney Tom Cloutier, Architect Al Wolfgram, Claudio Marasco, Project Manager Robert Scott, Engineer Matt White, Leighton Lee IV and members of the Public.

**ESTABLISHMENT OF QUORUM** Chairman Tony Marino called the regular meeting to order at 7:02 p.m. It was noted that the Commission did have a quorum present.

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

**VOTED:** Unanimously to seat Alternate Member Tom D'Antico for Regular Member Chris Ehlert.

**AGENDA ADDITIONS**

None.

**RECEIPT OF APPLICATIONS**

1. **Z2010-10 Pettipaug Road (The Lee Company) – Special Permit/Zone Change Application for a proposed amendment from an LDR zoning district to and LI zone, involving 14.2 acres, located on the east side of Pettipaug Road, (Assessor's Map #150, Lot #006). (65-day application period ends 10/29/10).**

Engineer Matt White and applicant Leighton Lee IV were present to state that the application is for the purpose of extending the industrial zone for future expansion.

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

**VOTED:** Unanimously to receive the application and set a Public Hearing date for October 26, 2010.

**NEW BUSINESS**

1. **130 Boston Post Road (Westbrook Xtramart Convenience Store/Gas Station) – 8' x 14' wheeled storage trailer for equipment use during environmental remediation of the site.**

Chairman Marino stated that the property has a sizable discharge of gasoline into the ground and they are under a mandated clean-up. The application is for a temporary structure to house the equipment needed for the clean-up. The application meets all set-backs.

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

**VOTED:** Unanimously to refer the matter to the Zoning Enforcement Officer to handle the application administratively.

**OLD BUSINESS**

**1. Z0908 1525 Boston Post Road – DGG Properties/Water’s Edge Resort – Review of Conditions, as stipulated by the Zoning Commission under Special Permit approved on 9/22/09 for a proposed Bill Building (20 units), and associated site development.**

Attorney Tom Cloutier stated that they are here to go over the punch list of conditions for approval. Chairman Marino asked the applicant if they had a problem with any of the members of the Commission being Time-Share Owners. Attorney Cloutier stated, after referring to his client, that it should be up to the Commission Members. Lee Archer stated that he was a time-share owner and stepped down. Chairman Marino seated Dwayne Xenelis to replace him for this application. Architect Al Wolfram started to go over the changes that would be made to address the conditions of approval. Chairman Marino stated that he feels that revised drawings should have been submitted with the changes so that the Commission members could review them. Mr. Wolfram stated that it states on the drawings that “more detailed drawings will be submitted before the project begins. Chairman Marino stated that he is disappointed that these drawings have not been submitted yet. Mr. Wolfram stated that on Sheet #4 they have shown the proposed grades as well as existing grades. Sheet #7 shows the landscaping plans.

At 7:15 p.m., Commission Member Chris Ehlert arrived, but being that he is a time-share owner, he stepped down for this application.

Attorney Tom Cloutier stated that he feels that the applicant has submitted what the Commission asked for. Chairman Marino pointed out that the Commission cannot comment on proposals that are not submitted on revised drawings. Al Wolfram stated that he feels that the whole matter under discussion is an interpretation of timing as far as the revised drawings are concerned. The applicant submitted a revised partial landscaping and lighting exhibit, dated 8/24/2010, but it was stated that all of this could change again before work begins. The plans that have already been submitted have been red lined for all the modifications, to meet the conditions of approval. They will submit these tonight for Commission members to review. Chairman Marino would like to table this until the September Meeting so that the Commission Members can review the information submitted tonight. ZEO Nancy Rudek stated that she would like guidance of when to sign off on the building permit that has been submitted to Roger Zito.

There was discussion and questions from the Kessler’s regarding any changes. It was their understating also that the revised drawings were to have been submitted for review. Ms. Kessler has concerns about the “existing landscaping” on the drawings. They are stated as they were years ago and not what they are today. The applicant stated that the landscaping is “as is” and will be maintained moving forward. Chairman Marino reminded the applicant that the communications between DDG Properties and the Kessler’s must be maintained.

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

**VOTED:** Unanimously to table this item until the September Meeting to give Commission Members time to review the drawings submitted tonight.

It was stated that at the September meeting, the Commission will sign off on any conditions that have been completed and state in a motion which items are completed and still need to be completed.

At this time, Commission Member Lee Archer returned to the meeting and Dwayne Xenelis stepped down.

**2. Z0609 1211 -1223 Boston Post Road – L & L Westbrook/Walgreen’s Pharmacy – Discussion regarding release of bond for Turf Establishments/Site Restoration of rear lot associated with off-site drainage improvements.**

Chairman Marino stated that the grass is as green as it is going to get and it is nice and thick.

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

**VOTED:** Unanimously to release the bond of \$1,000.00 to L&L Westbrook/Walgreen’s Pharmacy at 1211-1223 Boston Post Road for Turf Establishment/Site Restoration of rear lot associated with off-site drainage improvements.

**PUBLIC HEARING(s)**

None.

**NEW BUSINESS**

None.

**MISCELLANEOUS**

None.

**COMMISSION BUSINESS MEETING:**

**1. ZEO Report:**

Report was distributed and discussed.

**2. Miscellaneous Correspondence:**

1. Copy of letter to ZEO, dated 7/12/10, from Insurance Services Office, Inc. regarding 2009 CRS Cycle Application.
2. Copy of Memorandum from ZEO to ZBA Members, dated 8/5/10, regarding regulations in reference to decks, porches and patio’s.
3. Copies of enforcement/Complaints.

**3. Zoning Representative for Inland Wetlands Commission** – Still on hold.

**4. Status of proposed amendments to Zoning Regulations**

A meeting will be called for sometime in September.

**5. Bills:**

**Zoning Budget:**

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

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

2010/2011 Budget:

\$130.50 to Branse, Willis & Knapp for general legal

\$83.22 to Kathleen Kelemen for Secretarial duties

\$38.98 to WB Mason for Office Supplies

\$62.00 for CCM Conference

\$75.00 to Halloran & Sage (Caltabiano vs. Town of Westbrook)

\$43.56 to the Hartford Courant for legal notices

**Special Funds – Bond Releases**

L&L Westbrook/Walgreen’s – Release of \$1,000.00 Bond for Turf Establishment: Please see above under “Old Business, Item #2”.

**APPROVAL OF MINUTES: July 27, 2010 Regular Meeting:**

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

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

**ADJOURNMENT**

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

**VOTED:** Unanimously to adjourn at 8:04 pm.

Respectfully submitted:

---

Kathleen H. Kelemen, Secretary