

**WESTBROOK ZONING COMMISSION  
REGULAR MEETING  
September 28, 2010  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Chris Ehlert, Alternate Member Tom D'Antico and Alternate Member Dwayne Xenelis.

**Also Present:** Attorney Tom Cloutier, Architect Al Wolfgram, Art Presson and Robert Scott.

**CALL TO ORDER:** Chairman Tony Marino called the regular meeting to order at 7:00 p.m.

**ESTABLISHMENT OF QUORUM** Upon a motion by Harry Ruppenicker Jr., seconded by Chris Ehlert, it was:

**VOTED:** Unanimously to seat Alternate Member Tom D'Antico for Regular Member Lee Archer and to seat Alternate Member Dwayne Xenelis for Regular Member Tom Belval.

**AGENDA ADDITIONS**

None.

**RECEIPT OF APPLICATIONS**

None.

**NEW BUSINESS**

None.

**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.**

At this time, Commission Member Chris Ehlert recused himself from the meeting.

A letter dated 9/28/10 was received from Woodard & Curran that states that the information provided by the applicant proves that the retaining wall is less than 6'. Mr. Al Wolfgram stated that he has provided a more detailed profile for Woodard & Curran as requested. Chairman Marino stated that Woodard & Curran has stated that the wall could still be lower than proposed and still meet the applicants needs. Chairman Marino also pointed out that the distance between the proposed wall and the Kessler's stairs is very close. Mr. Wolfgram stated that if the height of the wall is lowered, it could cause more drainage onto the Kessler property. Chairman Marino asked if the wall could be moved closer to the building. Mr. Wolfgram stated that there is some flexibility and he will discuss the possibility with the applicant. Mr. Wolfgram also pointed out that the proposed wall is actually 1 foot farther away than the current fence, so this will actually free up some room between the wall and the Kessler's stairs. Mr. Art Presson asked questions

regarding the step increments for variation in the wall. There is some flexibility with this. The Kessler's would also welcome some softening of the wall with something like ivy or something similar or perhaps a section of lattice. Mr. Presson stated for the record that the Kessler's have no objection to the wall the way it is laid out. Next spring, the Kessler's will contact Mr. Scott to set up a meeting. Mr. Scott did state that it was an over-site when a porta pottie was placed in the Kessler's Right of Way. As soon as the problem was discovered, it was corrected. Chairman Marino stated that the Commission will accept the wall, as designed, as long as there is continuing dialog between the Kessler's and the applicant and that there is cooperation in terms of providing landscape information pertaining to the visual impact. All stipulations will continue until the final drawings are received. It was stated that there was a clerical error in the details of the height of the retaining wall. The applicant will submit corrected details when they file for their site plan modification application.

There was discussion regarding the remaining stipulation that still need to be met. The following items were of concern. A "Vehicular Crossing" sign needs to be put up in the area of the Kessler Right of Way. The landscaping noted on Sheet 2 is not what is existing. This must be corrected. Chairman Marino stated that what has been addressed so far is sufficient for ZEO Nancy Rudek to sign off on the permit.

At this time, Regular Member Chris Ehlert returned to the meeting.

#### **PUBLIC HEARING(s)**

None.

#### **MISCELLANEOUS**

1. Review draft amendments to Section 10.00.00 of the Zoning Regulations  
The draft amendments were reviewed.

#### **COMMISSION BUSINESS MEETING:**

##### **1. ZEO Report:**

Report was distributed and discussed.

##### **2. Miscellaneous Correspondence:**

1. Copy of Draft Proposed Zoning Regulation Change for Clinton.
2. Copy of Draft Proposed Zoning Regulation Change for Essex.
3. Copy of Zoning Commission's submitted for annual town report.
4. Copy of e-mail correspondence between Attorney Ed Cassella and ZEO Nancy Rudek regarding 57 Essex Road.
5. Copy of e-mail correspondence between Gary Pelletier and ZEO Nancy Rudek regarding signage for private property on town roads.
6. Copy of permit application for Home Occupation. Must apply for Zoning permit.
7. Copy of notification for CAZEO Seminar.
8. Copy of notification to learn about Public Act 490.

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

##### **4. Bills:**

##### **Zoning Budget:**

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

**VOTED:** Unanimously to approve payment for the following bills out of the Zoning Commission 2010/2011 Budget:  
\$246.50 to Branse, Willis & Knapp for general legal

\$46.23 to Kathleen Kelemen for Secretarial duties

\$35.64 to Hartford Courant for legal notices

\$47.02 to WB Mason for Office Supplies

\$77.00 to Nancy Rudek for mileage reimbursement for 7/1/10 thru 9/17/10

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

**VOTED:** Unanimously to table the approval of payment of \$1,200.00 to Woodard & Curran for review of LED Lighting Regulations.

**APPROVAL OF MINUTES: August 24, 2010 Regular Meeting:**

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

**VOTED:** Unanimously to approve the minutes of the Regular Meeting of August 24, 2010, as submitted.

**ADJOURNMENT**

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

**VOTED:** Unanimously to adjourn at 8:52 pm.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary