

**ZONING COMMISSION REGULAR MEETING MINUTES
SEPTEMBER 23, 2014
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Mike Engels, Regular Member Dwayne Xenelis Alternate Member Tom D'Antico, Alternate Member Linda Nolf, ZEO Nancy Rudek and Town Planner Meg Parulis.

CALL TO ORDER: The meeting was called to order by Chairman Tony Marino at 7:02 p.m.

ESTABLISHMENT OF QUORUM:

Chairman Marino seated Linda Nolf for Lee Archer.

AGENDA ADDITIONS:

Upon a motion by Harry Ruppenicker Jr., seconded by Linda Nolf, it was:

VOTED: Unanimously to add "Redwood Common – 931/957 Old Clinton Road, Map/Lots 175/061 & 062 – Request for reallocation of the Affordable Units" as item #1 under New Business.

Upon a motion by Dwayne Xenelis, seconded by Linda Nolf, it was:

VOTED: Unanimously to adjourn the Regular Meeting and open the Public Hearing portion of the meeting at 7:03 p.m.

PUBLIC HEARINGS:

1. ZC2014-012 – 36 Westbrook Place - (Property ID: 176/125), Public Hearing on the Special Permit Application for the removal of existing building and construction of new building of office use. Property owner: CMS Real Estate LLC (35-public hearing period ends 10-28-14)[possible deliberation & vote]:

Engineer Joe Wren was present, as well as Architect Denise VonDassell from Katie Designs and the Applicant. Mr. Wren stated this property is located north of the Town Green and there is currently a run-down structure on the property, which is next to Gowrie Insurance Buildings. There is a parking lot to the east of this property. There was a large garage on the property that was previously removed. They are proposing to remove the structure because it cannot be salvaged, and replace it with a new 2-story building. The existing septic that is located to the east can be utilized for the proposed building. All drainage, sump-pump, etc will be piped to drainage infiltration galleries. They are proposing 52 parking spaces with 4 in reserve. There is no additional lighting proposed and the landscaping will be annuals and perennials. There are 2 sidewalk connections located in the back of the existing Gowrie buildings so there will be rear handicap accessibility instead of in the front.

Architect Denis VonDassell from Katie Designs stated that the architecture of the building is greek revival and they will be using high quality materials. There will be granite veneer on the

foundation with vinyl siding, but there will not be vinyl trim. The roof will be asphalt shingle and the gutters will be aluminum.

At this time, Chairman Marino opened the floor to the public to speak for or against the application or just ask questions. There were no members of the public who wished to speak.

The following correspondence was received and read for the record:

- Letter dated 9/10/14 from the Westbrook Planning Commission.
- Memo dated 9/17/14 from Town Planner Meg Parulis.

At this time, Chairman Marino opened the floor to the public to speak for or against the application or just ask questions. There were no members of the public who wished to speak.

Upon a motion by Harry Ruppenicker Jr., seconded by Linda Nolf, it was:

VOTED: Unanimously to close the Public Hearing for the application ZC2014-012- 36 Westbrook Place.

1a. 36 Westbrook Place – (Property ID: 176/125) Coastal Area Management (CAM) Application associated with Special Permit ZV2014-012, 36 Westbrook Place. [possible deliberation and vote]:

The following communications were received and read for the record:

- Letter dated 5/28/14 from CT DOT.
- Comments from CT DEEP.

At this time, Chairman Marino opened the floor to the public to speak for or against the application or just ask questions. There were no members of the public who wished to speak.

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

VOTED: Unanimously to close the Public Hearing for CAM application for 36 Westbrook Place associated with ZC2014-012 Special Permit.

Upon a motion by Dwayne Xenelis, seconded by Mike Engels, it was:

VOTED: Unanimously to close the public hearing portion of the meeting and re-convene the Regular Meeting at 7:25 p.m.

REGULAR MEETING:

Possible deliberation and vote of Public Hearings:

1. ZC2014-012 & CAM – 36 Westbrook Place:

Dwayne Xenelis asked why the applicant chose vinyl siding. Meg Parulis stated staff discussed wood, but we need to recognize the maintenance needs. This material is high quality and is very nice. Dwayne Xenelis asked about a cement board. Ms. Parulis stated that staff had to agree to financial viability and Planning is happy with what was proposed. This is not a Historic district and there are no strict guidelines. The applicant can always upgrade at their discretion. But at this time, we have enough detail to guarantee a quality building.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to Approve Special Permit Application of 36 Westbrook place, to demolish existing house (formerly known as the Leischner house) and rebuild a new building for office use. This proposed building is south of another office building that was approved on 9/23/023. All site work for the previous building and proposed building was completed (septic system, site drainage, parking).

Former approved parking: 52 spaces. Total spaces required: 56 spaces. Total proposed: 52, with 4 spaces in reserve.

The approval is granted subject to conformance with the referenced plans (as may be modified by the Commission and the following conditions:

- Any proposed lighting for doorway entrances shall not exceed the minimum necessary to meet Building Code and will meet the intent of the Zoning Regulations. If deemed necessary by the ZEO, automatic timing devices shall be installed on outdoor lighting fixtures.
- If the Zoning Commission determines that the Reserved Parking Spaces need to be built, the applicant will obtain a review form the inland Wetlands Agency.
- Final Architectural Plans shall be revised to include the following:
 - a. Specification of roof material (architectural shingles).
 - b. Addition of gutter profile on front and rear elevations.
 - c. Specification of transom light over door as SDL.
 - d. Specification of cornice and soffit as 12” cellular PVC trimboard.
- Final Site Plan shall be revised as follows:
 - a. Show landscaping around future generator in lieu of fence.
 - b. Add fence detail for screening around ac units.
- Detailed Landscaping Plan shall be submitted for review and approval prior to installation of plantings.
- Detailed Architectural Plans for the exterior façade (construction drawings) shall be provided to the Zoning Official prior to issuance of a Building Permit to ensure that the building is constructed as represented on elevation drawings.
- The applicant look at comparison of an alternative to proposed siding.

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

VOTED: Unanimously to approve the CAM Application for 36 Westbrook Place (ZC2014-012) with the stipulation that silt fencing be installed and maintained as recommended by CT DEEP.

RECEIPT OF APPLICATIONS:

1. ZC2014-018 – Pilot’s Point Marina – Map/Lots #184/130 & 131 – Coastal Area Management (CAM) Application associated with Site Plan Application ZC2014-018, Pilot’s Point Marina (South side of Route 1), 65-day application period ends 11/27/14)[possible deliberation and vote:

Upon a motion by Dwayne Xenelis, seconded by Mike Engels, it was:

VOTED: Unanimously to receive CAM Application associated with ZC2014-018 – Pilot’s Point Marina.

Harry Ruppenicker Jr. asked ZEO Nancy Rudek if she could obtain a legal opinion regarding encroaching on abutting property when the owners are the same.

NEW BUSINESS:

1. Redwood Common – 931/957 Old Clinton Road, Map/Lots 175/061 & 062 – Request for reallocation of the Affordable Units:

Attorney Ed Cassella was present representing the applicant and stated that they need to reallocate the affordable units.

Upon a motion by Mike Engels, seconded by Linda Nolf, it was:

VOTED: Unanimously to approve the reallocation of the Affordable Units with the stipulation that the Commission Attorney reviews and ensures that the affordable units are comparable to market rates.

OLD BUSINESS:

1. ZC2006-02M – 1306 Boston Post Road – Special Permit Modification Application to previously approved permit Z0602. Proposal involves a single family residence, a two-family residence, and bakery establishment. (Sections 4.52.03, 4.52.06a & 4.52.06b. Property owner: 1306 Post Rd LLC (65-day decision period ends 10-30-14)[possible deliberation and vote]:

Upon a motion by Dwayne Xenelis, seconded by Mike Engels, it was:

VOTED: Unanimously to postpone application ZC2006-02M until the October 28, 2014 meeting to be held at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

2. ZC2014-010 – 92 Captains Drive – Continued Coastal Area Management (CAM) Application for a proposed retaining wall. Property owner: Julia Keith (65-day application period ends 7/31/14) (65-day extension ends 10/4/14):

Angus McDonald was present representing the applicant and submitted revised plans dated 8/25/14. A letter dated 8/25/14 from W. Frank Bohlen, Ph.D was submitted for the record. Mr. McDonald made quite a few references to the letter and his findings. Also submitted for the record was a letter dated 9/22/14 from Jennifer O'Donnell, Ph.D of CoastalOcean Analytics. Mike Engels states that reading the two letters, you have two Ph.D's that have 2 different opinions regarding the impacts of the application. Mr. McDonald stated that prevailing currents/tides are east to west, but will change during occasional storms. The wall is not intended to be below the surface to preserve and retain sand. For the last 10 years sand has been accruing. Ms. O'Donnell's letters states that she feels the proposal will encourage scouring and Mr. Bohlen believes that prevailing currents will continue to add sand (not quickly) but on occasion – erosion will occur. Mr. McDonald stated that they will have vegetation to maintain as much as possible. Neighboring property owner Gary Grilli stated, in a letter dated 9/23/14, that he was concerned about wave disruption onto their property and wanted to recommend the use of snow fencing in the winter so sand can be collected to avoid erosion of the beach in front of his house. It was stated that "Irene" and "Sandy" were not typical storms and we cannot predict future storms. The applicant would be willing to work with everyone to come to a compromise as long as it is not too costly or a lot more work. Mr. McDonald stated that they would be willing to put in boulders. Chairman Marino asked what happens if the sand needs to be replaced. Mr. McDonald stated they would replace it. Dwayne Xenelis pointed out if the sand needs to be replaced frequently then it would be obviously that this work, if approved, will not be working

and doing what it is supposed to be doing. Linda Nolf asked if there is any enforcement that the sand would be replaced if and when there are new owners. Could this be put in the land records so it would stay with the property and not with the property owners. Mr. McDonald stated that the whole point of this application is to prevent this from happening. Dwayne Xenelis stated that if this does not work, it definitely has to be re-looked at. Mr. McDonald stated that this has not been a common occurrence. Chairman Marino stated that if this becomes a seawall, it will cause a problem to the Grilli's property. Mr. Grilli's Rep (Keith Nelson) stated that the Grilli's support this proposal but there are some options that can be explored. If there is another storm like "Sandy", it could negatively affect the Grilli's property. Wave and scour retention, like boulders, would provide wave attenuation. Plus snow fencing in winter along the Grilli's beach would help. Dwayne Xenelis stated that he feels that the wall is necessary and that the property owner has the right to protect their property.

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

VOTED: To approve Application ZC2014-010 – 92 Captains Drive for Coastal Area Management (CAM) based on findings in Letter dated 8/25/14 by W. Frank Bohlen, that there will be no measureable adverse effects from construction of the sea wall. In accordance with CGS 22a-359-363, the applicant has demonstrated that the structure is necessary and unavoidable for the protection of inhabited structures or structure additions constructed as of January 1, 1995, and that there is no feasible, less environmentally-damaging alternative and that all reasonable mitigation measures and techniques are implemented minimize adverse environmental impacts. The application is approved with the following stipulations:

- The applicant agrees to maintain the landward sand level at an elevation equal to or exceeding the top of the wall. In the event of frequent, defined as more often than once in a 12-month period required replenishment, the owner shall prepare and submit a revised plan to the Town's Zoning Office.
- Yearly addition of snow fencing from December 1 through March 31 on the beach in front of the wall and between the walls configured in a zig-zag pattern.
- Addition of rocks with a minimum diameter of 2-3' covering the whole face of the wall, the top of the boulders to be 6' with 2 – 3' down in the sand.

(Mike Engels abstained from the vote). The motion carried.

3. ZC2014-018 – Pilot's Point Marina – Map/Lots #184/130 & 131 – Site Plan Application for re-grading dredge spoils to create perimeter berms around boat storage area under Section 11.42.00. Property Owner: Pilot's Point Marina (65-day application period ends 10/30/14)[possible deliberation and vote]:

And

3a. ZC2014-018 – Pilot's Point Marina – (Property ID: 184/130 & 131) Coastal Area Management (CAM) Application associated with Site Plan Application ZC2014-018, Pilot's Point Marina (south side of Rte. 1), [possible deliberation and vote]:

Upon a motion by Linda Nolf, seconded by Mike Engels, it was:

VOTED: Unanimously to postpone these applications to the October 28, 2014 meeting to be held at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

MISCELLANEOUS:

1. 2015 Zoning Meeting Schedule:

Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to approve the 2015 Zoning Commission Regular Meeting Schedule as follows:

1/27/15, 2/24/15, 3/24/15, 4/28/15, 5/26/15, 6/23/15, 7/28/15, 8/25/15, 9/22/15, 10/27/15, 11/24/15, 12/15/15 and 1/26/16.

All meetings will be held at 7:00 p.m. in the Multi-Media Room of the Mulvey Municipal Center.

COMMISSION BUSINESS:

1. ZEO Report:

Tabled.

2. Miscellaneous Correspondence:

None.

3. Bills:

The following bills were paid out of the Operating Budget:

Branse & Willis, LLC: \$518.00, Invoices #36578, #36575, #36576 & #36577

Kathleen Kelemen: \$130.63, August Secretary duties

Hartford Courant: \$150.48, Invoice #1508037

Conferences - \$175.00, SNEAPA – October 23, 2014

Conferences - \$65.00, CT Assoc. of Flood Mgrs – October 29, 2014

Coastal Ocean Analytics, LLC - \$1,417.50, 92 Captains Drive, Sea Wall

150% Special Funds – Consulting Services:

Upon a motion by Linda Nolf, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to approve the payment of \$2,530.00 to Woodard & Curran for the review of 1961 Boston Post Road.

Upon a motion by Linda Nolf, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to approve the payment of \$1,417.50 to Woodard & Curran for the review of 1201 Boston Post Road.

Special Funds – Bond Releases

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to approve the release of \$5,000.00 Performance Bond to Hill Farm – Richard Vicino.

APPROVAL OF MINUTES – Regular Meeting – August 26, 2014

Upon a motion by Dwayne Xenelis, seconded by Linda Nolf, it was:

VOTED: Unanimously to approve the minutes of the Regular Meeting of August 26, 2014, as amended.

ADJOURNMENT:

Upon a motion by Mike Engels, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to adjourn at 8:39 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary