

**ZONING COMMISSION REGULAR MEETING MINUTES
OCTOBER 28, 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, Regular Member Lee Archer, ZEO Nancy Rudek 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 5 Regular Members were present.

AGENDA ADDITIONS:

None.

Upon a motion by Lee Archer, seconded by Dwayne Xenelis, it was:

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

PUBLIC HEARINGS:

1. ZC2014-019 – Proposed Regulation Amendment for Solar Energy projects – Public Hearing on New Section 8.27.00 – Town of Westbrook Application:

All members of the Commission received a draft of the proposed Regulation dated 10/9/14. Town Planner Meg Parulis was present to state that there were some changes from the last draft provided which is mostly to do with provisions particular to free standing units. They are concerned about large mounted systems and would like to prohibit them from certain Zones. They are trying to limit where they can be placed. They also cleaned up some definitions. Ms. Parulis stated that the Planning Commission was split on what they felt should be allowed. Ms. Parulis realized that the Members did not have the most updated version and went to make copies of the draft dated 10/16/14.

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

1. Richard White – 25 Riverview Road: Stated that as a private citizen of Westbrook, he supports the Proposed Regulation and agrees with everything Ms. Parulis stated. He stated that he would like to urge the Commission to agree and approved Section 8.27.00 as proposed to the 10/16/14 draft proposal. Mr. White also stated that he feels that roof mounted systems may not work as well because of possible shading by trees. He thinks that promoting an alternate energy source is wonderful.
2. Andy Schatz – 25 Chapman Avenue: Stated that he has been following the process of this possible Regulation change from the beginning and he doesn't feel that the Planning Commission letter submitted reflects the conflict among the members of the Planning

Commission. He further stated that he would like to know how the proposed regulation was formulated. Was there scientific or expert input? Mr. Schatz stated that he objects to Section 8.27.05 and feels that there should be a permitting process instead of a definite “not allowed” in certain zones.

At this time, Town Planner Meg Parulis distributed the updated draft version date 10/16/14.

Mr. Schatz continued and stated that he feels this is a great opportunity for pro-environment, but feels the proposed regulation is anti-environment because it prohibits the installment in some zones. He feels that this is over-regulating. He feels that the Commission can do better in terms of basic regulations.

Ms. Parulis stated, in regards to Mr. Schatz’s above questions, that they modeled the proposed regulation by looking at 1 or 2 other Towns Regulations and by staff discussions. She stated that they can certainly look at less restrictive regulations.

Harry Ruppenicker Jr. asked about adding wording so that mounted systems cannot be above the highest peak of the roof. Ms. Parulis stated that there are other building code restrictions that would not allow this anyway. Mr. Ruppenicker Jr. stated that he would like the wording add anyway. It was stated that ground units are much easier to maintain. Mr. Ruppenicker asked about “Solar Farms” and whether they would be allowed. Ms. Parulis stated that we have to balance the environmental impacts, but solar farms could be a benefit. But, no, solar farms are not addressed in this proposed regulation. The regulations calls for accessory use at this time. Mr. Ruppenicker asked if solar panels can cause glare if the sun hits it right. Ms. Parulis stated that they are currently manufactured to not cause any glare from the systems.

Mr. White stated that he would like the Commission to consider the zones where it is stated that solar systems would not be allowed at all and change the process to a permitting process for special permit for an accessory. He stated what other states and countries are doing as far as solar power is concerned.

Dwayne Xenelis asked what the advantage or disadvantage is of deeming free standing solar panels as an accessory structure and then follow those regulations instead of creating a whole new section. Ms. Parulis stated that this could be re-looked at to reconsider. Mr. Xenelis stated that he feels it would worth it to re-look at. Lee Archer and Mike Engels stated that they agreed with Mr. Xenelis.

Additional correspondence received and entered into the record:

1. 9/24/14 letter from Lower Connecticut River Valley.
2. 9/22/14 letter from CT DEEP.
3. 10/28/15 letter from Mr. Schatz – 25 Chapman Avenue.
4. 9/5/14 letter from IWWC.

Upon a motion by Dwayne Xenelis, seconded by Lee Archer, it was:

VOTED: Unanimously to continue the Public Hearing for Zoning Application ZC2014-019 to the November 25, 2014 meeting to be held at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

Upon a motion by Mike Engels, seconded by Lee Archer, it was:

VOTED: Unanimously to close the Public Hearing portion of the meeting and re-convene the Regular Meeting at 7:55 p.m.

REGULAR MEETING:

Possible deliberation and vote of Public Hearings:

1. ZC2014-019:

The Public Hearing on this application was continued to November 25, 2014.

RECEIPT OF APPLICATIONS:

None.

NEW BUSINESS:

None.

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 2-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]:

Chairman Marino reminded all Commission Members that the Public Hearing for this application was closed in August. We were just waiting for confirmation that the delinquent Real Estate taxes have been paid, which they have.

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

VOTED: Unanimously to approve Application ZC2006-02M, Special Permit Modification from original approval (with conditions) on 4/25/2006, which was for Rock 'N Road Cycles/Tim Barnes. Current proposal is to modify approval to allow Residential and Retail as follows: Front Building known as 1306 for a two-family residential dwelling, with retail Bakery establishment in attached building under Section a.k.a. the Barn Structure.

The rear building known as 1296 Boston Post Road will contain a 2-bedroom single-family residence.

Associated site improvements include: reconfigured parking lot as shown on Site Development Plan to allow for seventeen (17) parking spaces, an enclosed dumpster, mailboxes and to enlarge existing 3-foot sidewalk and continue concrete sidewalk along frontage of property.

The Bakery, as a combination retail/restaurant, will utilize eleven (11) parking spaces and the remaining six (6) spaces are for residential dwellings (total of 3 bedrooms). Bakery to consist of 4 tables with 12 seats.

This approval is granted subject to conformance with the referenced plans (as may have been modified by the Commission) and the following conditions:

1. The sidewalk along the entire frontage of the lot will be 5 feet in width.

2. ZC2014-018 – Pilot’s Point Marina – (Map/Lots #184/130, 131 & 133) – 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

2a. ZC2014-018 – Pilot’s Point Marina – Map/Lots #184/130, 131 and 133) 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]:

These applications have been withdrawn by the applicant.

MISCELLANEOUS:

1. 1551 Boston Post Road – Discussion regarding previous approval for Frozen Yogurt Restaurant:

The owner would like to sell hotdogs and hamburgers at the facility and wanted to know if he needed to come forward for approval. Chairman Marino stated that food is food and it does not constitute a change in use. It will need to go to the Sanitarian for approval though.

COMMISSION BUSINESS:

1. ZEO Report:

Distributed and discussed.

2. Miscellaneous Correspondence:

1. Copy of memorandum dated 10/22/14 from ZEO Nancy Rudek to ZBA regarding applications before ZBA.
2. Copy of current fiscal year budget.

3. Bills:

The following bills were paid out of the Operating Budget:

Branse & Willis, LLC: \$1,609.50 for Invoice #36740, 36742 & 36743.

Kathleen Kelemen: \$71.28 – Secretarial duties.

Nathan L. Jacobson & Assoc., Inc.: \$256.71 – Flood reviews – 154 Second Ave & 53 Post Ave.

Climate Adaption Academy: \$20.00 – Conferences October 10 for Nancy Rudek.

150% Special Funds – Consulting Services:

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

VOTED: Unanimously to refund \$1,507.50 to The Dohnna LLC of 1201 Boston Post Road.

Special Funds – Bond Releases

None.

APPROVAL OF MINUTES – Regular Meeting – September 23, 2014

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

VOTED: Unanimously to approve the minutes of the Regular Meeting of September 23, 2014, as submitted.

ADJOURNMENT:

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

VOTED: Unanimously to adjourn at 8:04 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary