

WESTBROOK CORRECTED ZONING COMMISSION
SPECIAL MEETING
November 30, 2010
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM

Members Present: Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Chris Ehlert, Regular Member Tom Belval, Regular Member Lee Archer (arrived at 7:03 p.m.) and Alternate Members Dwayne Xenelis and Tom D'Antico.

Also Present: Engineer Al Wolfgram, Attorney Ed Cassella, Claudio Marasco and Rob Scott.

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

ESTABLISHMENT OF QUORUM Chairman Marino seated Alternate Member Tom D'Antico for Lee Archer.

AGENDA ADDITIONS

None..

PUBLIC HEARING(s)

None.

At 7:03 p.m. regular member Lee Archer arrived. Tom D'Antico was removed as a voting member.

RECEIPT OF APPLICATIONS

1. **Z2010-11 – 1333 Essex Road – Special Permit Application for replacement of existing Holbrook Well Building in an LDR Zone District and Water Resource District (Applicant John King/CT Water Co.) (65-day application period ends 2/3/2010)**

Upon a motion by Chris Ehlert, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to accept the application and set a Public Hearing date for December 28, 2010.

2. **Z2010-12 – 1604 Boston Post Road – Site Plan Modification for proposed tennis courts associated with Water's Edge Resort. (Applicant: Michael Dattilo) (Possible deliberation & vote) (65-day application period ends 2/3/2010)**

At this time, Commission Member Chris Ehlert recused himself and Chairman Marino appointed Dwayne Xenelis to take his seat. Also, Commission member Lee Archer recused himself and Chairman Marino appointed Tom D'Antico to take his seat.

Chairman Marino asked the applicant why they were applying for a modification and not a special permit. Attorney Ed Cassella stated that they are requesting a modification to the 1995 approved site plan and special permit. He submitted a copy of a Certificate of Decision from 1995, as well as a copy of the approved site plan. He further stated that 1525 and 1604 Boston Post Road were part of that approval. Chairman Marino stated that the applicant got a "Use Variance" since that

approval and is unclear if this should be a modification or a new special permit. After discussion, the majority of the commission felt that the application should remain as a request for modification. Therefore, the application was accepted as submitted.

Engineer Al Wolfgram gave a history of the property and stated that they have been approved, with stipulations, by IWWC. Attorney Ed Cassella stated that the proposed lighting and landscaping are up for discussion. There will be retaining walls on the east and north side and the fence will be 10' high. The landscaping will also be enhanced. Chairman Marino pointed out that the ZBA Variance stated a stipulation that there be no night lighting of the tennis courts. Chairman Marino stated that he feels that he is not sure that the current parking lot is being maintained as well as it should be. Claudio Marasco stated that there is no water available on the site and it is very difficult to keep the plants alive. This is not a paved surface, but they will do their best to make sure it is maintained. They stated that they will extend the row of arbor vites back to the tennis courts on the west side. The only signage that they would have would be small, low profile directional signs.

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

VOTED: Unanimously to approve the site plan modification for 1604 Boston Post Road with the following stipulations:

1. The applicant will extend the arbor vites on the west side of the tennis courts to the corner of the northwest retaining wall for screening purposes.
2. The applicant will remove all tennis court lighting.
3. The applicant will add all details of the walkway along the north side of Boston Post Road that were part of the original approved plan.
4. Safety railings will be installed per code along the retaining walls.
5. The parking lot will be maintained on a regular basis.
6. Revised plans to be submitted with all stipulations stated herein.

At 8:22 Lee Archer left the meeting so Tom D'Antico remained seated. Also, Chris Ehlert returned to the meeting so Dwayne Xenelis was unseated.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

MISCILLANEOUS:

None.

COMMISSION BUSINESS

1. **2011 Meeting Schedule:** Upon a motion by Harry Ruppenicker Jr., seconded by Chris Ehlert, it was:

VOTED: Unanimously to approve the meeting dates for 2011 as presented. (The 4th Tuesday of each month).

2. **Discussion of December 28th Regular Meeting:** This was previously discussed and the meeting will remain on the 28th.
3. **Zoning Budget for Fiscal Year 2011/2012:** Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

VOTED: To approve a budget of \$28,950 (excluding salaries) for Fiscal Year 2011/2012. (Chris Ehlert abstained from the vote).

4. **ZEO Report:** Report was distributed and discussed.

5. **Miscellaneous Correspondence:**

- a. Copy of e-mails and memo's between Nancy Rudek and Kevin Cook regarding installation of sidewalk at 896 Boston Post Road.
- b. Copy of letter from Attorney Cronin to Planning and Zoning regarding, and other correspondence regarding property located at 1283-1285 Boston Post Road.
- c. Packet of information regarding 88 Pond Meadow Road.
- d. Copy of letter from Old Saybrook Zoning Commission regarding proposed Zoning Regulations.

6. **Zoning Representative for Inland Wetlands Commission:** Nothing to report.

7. **Bills:**

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

VOTED: Unanimously to approve payment of the following invoices out of the 2010/2011 Regular Budget: \$58.00 to Branse, Willis & Knapp for General Legal; \$60.10 and \$46.23 to Kathleen Kelemen for Secretarial duties; \$36.94 to W.B. Mason for miscellaneous Office Supplies and \$1,645.00 to Woodard & Curran for retaining wall review for Water's Edge.

Special Funds – Bond Releases: Upon a motion by Tom Belval, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to approve the release of the \$1,000.00 driveway apron bond to Kevin Cooke for 896 Boston Post Road.

APPROVAL OF MINUTES: October 26, 2010 Regular Meeting and Public Hearing:

Upon a motion by Chris Ehlert, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to approve the minutes of the Regular Meeting and Public Hearing held on October 26, 2010.

ADJOURNMENT

Upon a motion by Harry Ruppenicker Jr., seconded by Chris Ehlert, it was:

VOTED: Unanimously to adjourn at 8:36 pm.

Respectfully submitted:

Kathleen H. Kelemen, Secretary

Note: Changes indicated in bold, underlined and italicized print.