

**ZONING COMMISSION REGULAR MEETING MINUTES  
DECEMBER 18, 2012  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Dwayne Xenelis, Regular Member Tom Belval, Alternate Member Mike Engels, Alternate Member Tom D'Antico and ZEO Nancy Rudek.

**CALL TO ORDER:** The meeting was called to order by Chairman Tony Marino at 7:00 p.m.

**ESTABLISHMENT OF QUORUM:** Upon a motion by Dwayne Xenelis, seconded by Tom Belval, it was:

**VOTED:** Unanimously to seat Mike Engels for Lee Archer and Tom D'Antico for Harry Ruppenicker Jr.

**AGENDA ADDITIONS:**

None.

**PUBLIC HEARINGS:**

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

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

**1. ZC2012-029 – Amendments to Zoning Regulations – Public Hearing on Proposed Amendments to Section 5.00.00, Floodplain Management Area, revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) associated with the Coastal re-delineation from Middlesex County. Applicant: Town of Westbrook:**

All members received a draft of the proposed changes.

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

1. Bob Harris, who is a consultant, stated that he believes that the wording proposed in Section 5.09.34 conflicts with the Code of Federal Regulations.

Chairman Marino stated that he is not comfortable with the wording and feels that it should be removed.

The following correspondence was received:

1. Comment letter dated 11/27/12 from the Planning Commission.
2. Letter dated 11/13/12 from Lower Connecticut River Valley.
3. Communications via e-mails from Diane Ifkovic, State of CT DEEP.
4. Letter dated 12/17/12 from Mary-beth Hart of DEEP.

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

**VOTED:** Unanimously to close the Public Hearing for Application ZC2012-029.

**2. ZC2012-030 – Amendments to Zoning Regulations – Public Hearing on Proposed Amendments to Sections 12.21.02 and 12.21.05, associated with ZBA procedures.**

**Applicant: Town of Westbrook:**

The Commission Members all received a draft copy of the proposed changes.

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

1. Bob Harris, President of Pilot's Point Beach Association stated that is against Section 12.21.02 because he feels that the burden of preparing a full ZBA application should be the responsibility of the applicant, because variance applications, if approved, affects assessments and tax revenue, and because the applicant should find out the name and address of a beach association.

Chairman pointed out that Mr. Harris is only one beach association opinion and we have not heard from any other associations regarding the matter. ZEO Nancy Rudek stated that there are 17 Beach Associations in town.

The following Communications were received:

1. Letter dated 12/17/12 from Mary-beth Hart of DEEP.
2. Letter dated 11/27/12 from the Planning Commission.
3. Letter dated 11/13/12 from Lower Connecticut River Valley.
4. Communications via e-mail from Bob Harris.
5. Communications via e-mail from Barb Scala.
6. Communications via e-mail from Mark Damiani.
7. Communications via e-mail from Attorney Mike Wells.
8. Communications via e-mail from Attorney Mark Branse.

Upon a motion by Mike Engels, seconded by Tom Belval, it was:

**VOTED:** Unanimously to close the Public Hearing on Application ZC2012-30.

Upon a motion by Mike Engels, seconded by Tom D'Antico, it was:

**VOTED:** Unanimously to close the Public Hearing portion of the meeting.

The Regular Meeting re-convened at 7:34 p.m.

Upon a motion by Tom Belval, seconded by Mike Engels, it was:

**VOTED:** Unanimously to add the following items under OLD BUSINESS:

1. ZC2012-029 – Amendments to Zoning Regulations – Public Hearing on Proposed Amendments to Section 5.00.00, Floodplain Management Area, revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) associated with the Coastal re-delineation from Middlesex County. Applicant: Town of Westbrook (Possible deliberation and vote):

And:

2. ZC2012-030 – Amendments to Zoning Regulations – Public Hearing on Proposed Amendments to Sections 12.21.02 and 12.21.05, associated with ZBA procedures. Applicant: Town of Westbrook (Possible deliberation and vote):

**OLD BUSINESS:**

**1. ZC2012-029 – Amendments to Zoning Regulations – Public Hearing on Proposed Amendments to Section 5.00.00, Floodplain Management Area, revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) associated with the Coastal re-delineation from Middlesex County. Applicant: Town of Westbrook (Possible deliberation and vote):**

Upon a motion by Tom Belval, seconded by Dwayne Xenelis, it was:

**VOTED:** Unanimously to approve Amendments to Zoning Regulations Section 5.00.00, Floodplain Management Area, revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) associated with the Coastal re-delineation from Middlesex County, as submitted with the exception of the proposed change to Section 5.09.34, with an affective date of February 6, 2013.

**2. ZC2012-030 – Amendments to Zoning Regulations – Public Hearing on Proposed Amendments to Sections 12.21.02 and 12.21.05, associated with ZBA procedures. Applicant: Town of Westbrook (Possible deliberation and vote):**

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

**VOTED:** Unanimously to approve amendments to Zoning Regulations Sections 12.21.02 and 12.21.05, associated with ZBA Procedures as modified as of 12/18/12, with an affective date of 1/11/13.

**NEW BUSINESS:**

**1. FY 13/14 Zoning Budget (Proposed Budget due 12/28/12):**

Upon a motion by Tom D'Antico, seconded by Mike Engels, it was:

**VOTED:** Unanimously to approve the proposed budget for Fiscal Year 2013/2014, as submitted by ZEO Nancy Rudek.

**RECEIPT OF APPLICATIONS:**

**1. ZC2012-033 – Proposed Amendment to the Zoning Regulations – Section 2.10.05 – Changes to Non-Conforming Uses. Applicant: Town of Westbrook:**

Upon a motion by Tom Belval, seconded by Mike Engels, it was:

**VOTED:** Unanimously to accept Application ZC2012-033 and to set a Public Hearing date for January 22, 2013.

**2. ZC2012-34 – Proposed Amendments to the Zoning Regulations – Section 4.31.04 – Accessory Buildings. Applicant: Town of Westbrook:**

Upon a motion by Tom Belval, seconded by Mike Engels, it was:

**VOTED:** Unanimously to accept Application ZC2012-034 and to set a Public Hearing date for January 22, 2013.

**3. ZC2012-35 – Proposed Amendments to the Zoning Regulations – Section 12.00.00 – Administrative Permits. Applicant: Town of Westbrook**

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

**VOTED:** Unanimously to accept Application ZC2012-035 and to set a Public Hearing date for January 22, 2013.

**COMMISSION BUSINESS MEETING:**

**1. ZEO Report:** Distributed and discussed.

**2. Miscellaneous Correspondence:** None.

**3. Bills:** The following bills were paid out of the Zoning Commission Regular Budget:

- Recording Secretarial Services: \$90.20 (K. Kelemen - Nov. Mins.)
- Nathan L. Jacobson & Associates: \$1253.08 – (Flood Review of 5 Residential Properties)
- Branse, Willis & Knapp: \$1,155.00 (General Legal Invoice #31448 & 31473)
- W.B. Mason: \$18.90 – (Supplies, Invoice #I08374634)

**150% Special Funds – Consulting Services:**

None.

**Special Funds – Bond Releases**

None.

**APPROVAL OF MINUTES – November 27, 2012 Regular Meeting Minutes:**

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

**VOTED:** Unanimously to approve the minutes of November 27, 2012, as submitted.

**ADJOURNMENT**

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

**VOTED:** Unanimously to adjourn at 8:02 p.m.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary