

APPROVED

WESTBROOK PLANNING COMMISSION
REGULAR MEETING
Monday, January 11, 2010
Multi-Purpose Room, Mulvey Municipal Center, 866 Boston Post Road

Call to Order

Chairman Ozols called the meeting to order at 7:00 p.m.

A quorum was established with the following Commission members present: Marilyn Ozols, Chairman, Carole Ketelsen, Phillip Bassett, Libby Waldron (alt.), Bob Furno (alt.), Bill Neale. Also present was Meg Parulis, Town Planner

Chairman Ozols noted that the three alternates were re-appointed at the Selectman's meeting on 1/11/10. Since they have not yet been sworn in they will be unable to vote at this evening's meeting.

Audience: Atty. Stephen Sheehan, Mr. and Mrs. George Bessoni

SUBDIVISIONS:

- 1. 2009-003-P-M1 – Modification of Subdivision of Gary & Patricia M. Widlitz to allow Lot 1 to be served by private well instead of public water. Property of Isabella Fusillo located at 170 Fiske Lane, Assessor's Map 27 Lot SF1B. Tabled – Extension granted to 2/8/10.**

Chairman Ozols reported that the discussion regarding this item has been tabled until next month's meeting.

- 2. (a). 2001-005-P-M1 – Modification (drainage easement) – Brittney Lane Re-Subdivision – Blue Point Const.**

Ms. Parulis reported that the Planning Commission has discussed the drainage easement at Brittney Lane in the past. The pipe has been installed at an adjoining property. The next step is for the Commission to formally modify the subdivision approval to incorporate this change. Ms. Parulis is in receipt of the as-built and revised plan showing the easement and this information has been filed on the land records.

Ms. Ketelsen made a motion to approve the modification as shown on plans entitled "Proposed Drainage Improvements Serving Brittney Lane on Property of Richard E. & Sandra Atkinson" dated 6/16/08 revised through 12/17/08. Mr. Neale seconded the motion. The motion passed unanimously.

- 2 (b). 2001-005-P – Road Acceptance & return of un-expended called bond – Brittney Lane – Request for waiver of Sect. 2.11.4 (maintenance bond)**

Ms. Parulis reported that the Stein survey indicates that monuments were set in 2005. She is in receipt of the as-built plans and the road has been inspected by the Engineer as well as the Public Works Director. The next step is for the Planning Commission to make a recommendation to the BOS to schedule a Town Meeting for acceptance of the road. She noted that the applicant has requested a waiver of the requirement to post a maintenance bond. Typically, the maintenance bond is held for a period of one year after the road has been accepted to guarantee the work. However, in this case, the road has been substantially complete for at least five (5) years. The only recent construction was installation of the drainage pipe on the Atkinson property which did not impact the road.

Ms. Ketelsen made a motion to waive the 20% Maintenance Bond requirement. Mr. Bassett seconded the motion. The motion passed unanimously.

Mr. Neale made a motion to recommend that the Board of Selectmen schedule a Town Meeting to accept Brittney Lane as a Town Road. Mr. Bassett seconded the motion. The motion passed unanimously.

Chairman Ozols reported that a Town Meeting has been scheduled for February 9, 2010 and this should be able to be added.

Ms. Parulis reported that \$21,613.25 has been expended from the called bond with \$38,386.75 remaining. A formal vote is needed from the Commission to return the bond (plus interest). Ms. Ketelsen inquired as to whether the value of the work done by the Public Works Department was deducted from the bond and whether it included overhead and benefits. Ms. Parulis responded in the affirmative.

Mr. Neale made a motion that the balance of \$38,386.75 (plus any interest accrued) be returned upon acceptance of the road at the Town Meeting. Mr. Bassett seconded the motion. The motion passed unanimously.

3a. 2006-006-P-M1 – Modification (maintenance easement) – Stannard Woods Subdivision – Develop LLC

Atty. Stephen Sheehan appeared on behalf of the applicant. He reviewed the revised location of the maintenance easement for the detention pond on Lot 12 and indicated that the change had been requested by staff due to the location of a guide rail on Toby Hill Road and topographic issues. Ms. Parulis reported that the access driveway has been installed and inspected by the Director of Public Works. The homeowner's association is responsible for maintenance all detention ponds in the subdivision.

Chairman Ozols added that the lot in question is not yet sold and any potential buyer would have knowledge of the easement prior to purchase.

As a point of interest, Mr. Sheehan noted that no detention basin in the subdivision has ever seen water. He continued that the easement language is being review by Town Counsel and that a modified easement will be recorded on the land records.

Mr. Neale made a motion to approve the modification as shown on plans revised December 15, 2009. Ms. Ketelsen seconded the motion. The motion passed unanimously.

3b. 2006-006-P – Road acceptance – Peter's Trail (Stannard Woods)

Ms. Parulis reported that the road has been inspected by the Town Engineer and Director of Public Works and all legal documents have been submitted and reviewed by Atty. Willis. The Town is currently holding a \$185,000 Performance Bond consisting of a Letter of Credit in the amount of \$169,250 and a cash bond for erosion and sediment control in the amount of \$15,750.

Chairman Ozols reported that the amount of the Maintenance Bond is \$37,000.00 (20% of \$185,000).

Ms. Parulis reported that the vegetation in the area is well established and slopes are stabilized. She did not see any reason to hold the erosion and sediment control bond. Any touch up work would be covered by the Maintenance Bond. She continued that there was a separate bond held by the Zoning Commission for paved aprons and driveways. The aprons and driveways are complete as well and the applicant has requested release of the Zoning Bond.

Mr. Neale made a motion to recommend that the Board of Selectmen schedule a Town Meeting to accept Peter's Trail as a Town Road and to release the Performance Bond of \$185,000 consisting of a Letter of Credit in the amount of \$169,250 and a cash bond for erosion and sedimentation control in the amount of \$15,750 plus any interest accrued, upon acceptance of the road at the Town Meeting and submission of a Maintenance Bond in the amount of \$37,000. Mr. Bassett seconded the motion. The motion passed unanimously.

The Commission agreed that the Maintenance Bond could be in the form of a Letter of Credit and further stipulated that the Maintenance Bond must be in hand before release of the Performance Bond.

TOWN AND GOVERNMENT AGENCY REFERRALS: None.

ZONING REFERRALS:

- 1. Proposed Amendments to Westbrook Zoning Regulations: Sections 2.10.06 & 2.10.07 concerning extensions, enlargements and replacement of non-conforming uses and structures. Public Hearing scheduled for 2/23/10.**

Ms. Parulis reported that in response to a recent action by ZBA overturning the decision of the Zoning Official regarding replacement and expansion of a non-conforming structure, the Zoning Commission has developed revised language that clarifies the original intent of the regulations. Without the amendment, variances are no longer required for replacement of non-conforming structures. This is of particular concern in the beach areas where small cottages are frequently replaced, often adding second stories.

Chairman Ozols commented that this amendment will clarify what had always been understood to be the meaning of the regulation.

Mr. Neale made a motion to find the proposed amendment to Sect. 2.10.06 and 2.10.07 concerning extensions, enlargements and replacement of non-conforming uses and structures CONSISTENT with the Plan of Conservation and Development goal to preserve as much of the “small town” character as is possible in the face of growing population and development pressures. Mr. Bassett seconded the motion. The motion passed unanimously.

SELECTMAN REFERRALS:

- 1. Potential Open Space Acquisition of 142 acres of property located on Horse Hill Road. Assessor’s Map 62, Lots 61, 61A & 70**

Ms. Parulis referred Commission members to the letter from Tom ODell, Chairman of the Conservation Commission, regarding plans to pursue acquisition of the Russo property on Horse Hill Rd. At this time, they are looking to use Open Space Preservation Funds to obtain an appraisal. A report from the Planning Commission is required by Town Ordinance for any proposed use of the fund.

Several Commission members commented that this parcel is a beautiful property and would be beneficial to the Town for future generations.

Ms. Parulis provided a map showing the relationship of the property within a proposed Menunketesuck Greenway extending from the Stewart McKinney Wildlife Refuge to the Cockaponsett State Forest with potential for expansion northward to East Haddam.

Ms. Parulis cited the following specific recommendations from the Plan of Conservation and Development:

General Goals:

- 1. TO ENCOURAGE ADDITIONS TO AND TO INSURE THE PRESERVATION OF OPEN SPACES IN THE TOWN*
- 2. TO PROVIDE COMMUNITY-WIDE OPPORTUNITIES FOR ACTIVE AND PASSIVE RECREATION TO MEET BOTH PRESENT AND FUTURE NEEDS.*

Specific Recommendations:

- The town should acquire through subdivision approval, acquisition, or donation, open space areas in the northern section of town...*
- Make every effort to acquire contiguous open space areas and establish a trail system.*

Ms. Ketelsen made a motion to find the proposed acquisition CONSISTENT with the Plan of Conservation and Development and to recommend that the Town move forward with the purchase of the Russo property, if financially feasible. Mr. Bassett seconded the motion. The motion passed unanimously.

OLD BUSINESS:

1. Plan of Conservation and Development – Ms. Parulis reported that there was no December meeting. The Committee is currently reviewing previous town-wide surveys and will begin crafting a new survey to be conducted this summer. The Affordable Housing Study is about 50% complete. The third public workshop is being planned for the Spring with a focus on Commercial and Residential Development.

NEW BUSINESS:

1. FY 10/11 Budget Request – A copy of the draft budget which was included in Commission members’ packets was reviewed by the Commission. Chairman Ozols explained that increases were requested in the Engineering and Legal line items to get back to the FY 08/09 level of funding. Printing was also increased in anticipation of printing the updated Plan of Conservation and Development.

Mr. Neale made a motion to approve the budget as recommended and forward same to the Board of Selectmen. Mr. Bassett seconded the motion. The motion passed unanimously.

Ms. Parulis reported that she is requesting funding through the Land Use budget to purchase a projector and laptop for use by all Boards and Commissions in the Meeting Room. Mr. Neale suggested bolting the projector to the ceiling for convenience of set up and security purposes.

2. Annual Report- A copy of the Annual Report submitted for the Planning Commission was included in the Commission members’ packets.

3. Review of By-Laws – A copy of the Planning Commission By-Laws was included in the Commission members’ packets. It was the consensus of the Commission members that no changes were necessary.

4. Election of Officers – Chairman Ozols opened the floor for nomination of officers.

Mr. Bassett made a motion to keep the existing slate of officers: Marilyn Ozols as Chair, Bill Neale as Vice Chair and Phil Bassett as Secretary. Ms. Ketelsen seconded the motion. The motion passed unanimously.

BILLS:

Chairman Ozols noted that an engineering bill from Codespoti in the amount of \$472.88 should be added to the agenda.

General Accounts

PC Rec. Sec. – S. Helchowski	\$100.00
POCD Rec. Sec. – N. Rudek	\$148.50
Engr. – Woodard & Curran	\$667.50
Supplies – W.B. Mason	\$ 40.43
West	\$ 81.00
Printing – Ciel, Inc.	\$ 34.50
Technique Printers	\$ 62.25
Engr. – Codespoti	\$472.88

Mr. Bassett made a motion to approve the above bills as presented. Mr. Neale seconded the motion. The motion passed unanimously.

Special Funds

POCD – Planimetrics	\$3,000.00
AH Study – Planimetrics	\$4,000.00
Applied Geographics, Inc.	\$4,812.50

Mr. Bassett made a motion to approve the above bills as presented. Mr. Neale seconded the motion. The motion passed unanimously.

Chairman Ozols reported that work on the GIS mapping is underway and making good progress. The anticipated date to have the information on the website is March.

MINUTES – Regular Meeting – November 9, 2009

Mr. Neale made a motion to approve the minutes from the November 9, 2009 meeting, with corrections. Mr. Bassett seconded the motion. The motion passed unanimously.

Corrections: page 1 – change “100 years” to “many years”...

REPORTS:

Inland Wetlands and Watercourses Commission – No report at this time.

CRERPA – Mr. Neale reported that potential re-organization of the Regional Planning Districts is still on the table. He continued that there is still no state budget set and work is on-going on the Regional POCD.

Harbor Commission – A meeting is scheduled for the week of 1/11/10. Ms. Parulis was directed to establish contact with the Harbor Commission liaison to the Planning Commission, Mike Farrell, for future reports.

Town Center Revitalization Committee – No report at this time.

CORRESPONDENCE:

Chairman Ozols reported that Commission members are invited to a training session with Mr. Kenya Rutland from KGR Consulting on communication and cooperation amongst elected and appointed officials and with the general public. The meeting is scheduled for February 4, 2010 at 6:30 p.m. at the Municipal Center. Anyone interested in attending should RSVP to the Selectman’s Office.

Chairman Ozols also reported that she is in receipt of a letter of resignation from Donna Sicuranza. Ms. Sicuranza stated she is unable to fulfill her commitment due to changes in personal and professional circumstances. Mr. Bassett suggested the Commission send her a thank you for her service.

The Commission briefly discussed a recent newspaper article regarding pedestrian safety on Rte. 1 and agreed that this issue should be addressed in the Plan of Conservation and Development update.

ADJOURNMENT

Ms. Ketelsen made a motion to adjourn the meeting at 8:03 p.m. Mr. Neale seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski