

Approved

WESTBROOK PLANNING COMMISSION
REGULAR MEETING
Monday, February 7, 2011

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, Libby Waldron (alt) Bob Furno (alt), and Ashley Jones. Also present were Meg Parulis, Planner and Nancy Rudek, Zoning Official. Alternates Bob Furno and Ashley Jones were seated for regular members Bill Neale and Phil Bassett.

SUBDIVISIONS: None

TOWN AND GOVERNMENT AGENCY REFERRALS: None.

SELECTMEN REFERRALS: None.

ZONING REFERRALS:

1. Proposed Amendments to Sect. 5.00.00 – Flood Plain Regulations (correction to flood zone designation)

Ms. Rudek explained that the regulations were being updated to reflect new flood zone designations. These changes were inadvertently left out when the regulations were last updated. The change does not affect any current policy with regard to Flood protection.

Mr. Furno made a motion to find the proposed amendment to the Zoning Regulations concerning Flood Zone designations consistent with the stated purpose of the Flood Plain Zone District and therefore the Plan of Conservation and Development, to minimize public and private losses due to flood conditions in specific areas of the Town of Westbrook. Ms. Jones seconded the motion. The motion passed unanimously.

2. Proposed Amendment to Sect. 8.01.11 – Accessory Apartments (new)

Ms. Parulis reviewed her recommendations as included in the meeting packets. She noted there are currently no standards for accessory apartments. They have been informally allowed as an Accessory Use and limited to “in-law” apartments as a matter of policy. Based on previous feedback by the Planning Commission, the latest revision of the proposed regulations does not require that accessory apartments be limited to family use. It was the opinion of the Planning Commission that accessory apartments offer both an affordable housing option for renters and an opportunity for added income to property owners struggling to make ends meet. She called attention to the deletion of the provision that accessory apartments only be allowed on lots conforming to the minimum lot size (Sec. 8.01.02 a). She felt that without this provision, additional controls were needed to make sure that there isn’t a proliferation of accessory apartments in areas that are already densely developed, namely the beach

areas. It was suggested that a minimum lot size of 15,000 SF be required. This figure represents the smallest lot size allowed. She felt that this would be a reasonable threshold based on a GIS analysis showing non-conforming lots and lots less than 15,000sf. Further, she recommended that a provision requiring a fully code compliant septic system be added. She noted that the Water Pollution Control Commission is currently reviewing the proposal and will offer specific language to avoid any adverse effects to groundwater quality in existing areas of concern.

Ms. Parulis questioned the provision (Sec. 8.01.03 e) that restricts access from the front façade of the residence. She explained that the intent is to avoid the appearance of a duplex in a single family neighborhood. She felt this provision may be overly restrictive and suggested language that would accomplish the same goal while providing some room for flexibility: *Exterior entrances to the apartment shall be located so as to appear as a single family dwelling.* If the Commission felt this was not sufficient, it could be required that there be inside access to the accessory apartment from the main dwelling and no separate metering.

Ms. Parulis continued that there is an on-going debate as to whether accessory apartments should be deed-restricted as affordable housing units. Ms. Ozols commented that while it is a good idea in theory, she felt it would be too cumbersome to administer and enforce. She added that it is unlikely that the Town would be able to meet the 10% threshold even if accessory apts. could be counted, and therefore, would not make it worth the effort. By making it less cumbersome, Westbrook can fulfill the practical need. Ms. Ketelsen commented that it is unfortunate that the Town does not get “credit” for all of its affordable housing such as the mobile homes and various apartment buildings. She felt that there should be some flexibility in meeting the 10% state mandate. She inquired what happens if the Town does not meet the 10% goal. Ms. Ozols explained that the Town could be subject to an 8-30g application for an Affordable Housing Development where the burden of proof for appeal of a denial is shifted to the Town. The application can only be denied if there is a more important need than affordable housing (i.e. health, safety). Ms. Ozols added that due to land availability and septic requirements, Westbrook is not financially attractive to affordable housing developers.

Ms. Ozols commented that it is important to distinguish between the two types of apartments (accessory vs. in-law/relative apartment) as far as the segment of the population that they serve. She noted that the accessory apartment can create an additional affordable dwelling unit for the town or can allow an older resident to remain on their property in the accessory unit while renting the main dwelling.

Several aspects of the proposed regulation were discussed including the difficulty in enforcing the owner occupancy requirement. Ms. Ozols commented that some towns require annual reviews or owner certification to aid in this enforcement. The owner occupancy section’s goal is to prevent owners from renting both units.

The appropriate use of variances on accessory apartment proposals was raised by Ms. Ketelsen. It was agreed by the Commission members that no variances should be permitted.

Ms. Rudek reported that the Land Use Office is seeing an increase in property owners interested in creating accessory apartments; possibly due to the economy. If regulations are in place, and permits issued, appropriate inspections can be made to ensure that they meet building code requirements.

Mr. Furno suggested language restricting occupancy to 3 individuals as opposed to the number of bedrooms. He continued that parking restrictions should be included to state that parking must be behind the front set back and not in the front yard.

Mr. Furno made a motion to find the proposed amendment of the Zoning Regulations to allow accessory apartments consistent with the POCD goal to expand housing choices for smaller households and provide affordable housing subject to the following recommendations:

1. Establish a minimum lot size of 15,000 SF.
2. Limit occupancy to three (3) people.
3. Add the following provision to Sect. 8.01.02: *In accordance with the provisions of Conn. Gen. Stats. §8-6(a), the provisions of this Section 8.01.00 shall not be varied by the Zoning Board of Appeals.*
4. Revise Sect. 8.01.03 a) to read: ***The maximum gross floor area of the accessory apartment shall not exceed 1,000 square feet or 50%-30% of the total floor area of the ~~structure~~ principal dwelling within which it is located, whichever is less.***
5. Replace Sect. 8-01-03 e) with the following: ***Exterior entrances to the apartment shall be located so as to appear as a single family dwelling with one major entrance to the building.***
6. Incorporate recommendations from the WPCC concerning provision of a code compliant septic system.
7. Prohibit parking for the accessory unit within the front yard setback.

Ms. Waldron seconded the motion. The motion passed unanimously.

Proposed Amendment to Sect. 8.22.00 thru 8.22.06 – Exterior Lighting (new)

Ms. Ozols explained that the comments from the Town Engineer included in the cover page of the packet material have been incorporated in the text of the proposed amendment.

Ms. Ozols commented that the IESNA table included in the draft needs clarification. She expressed concern that the maximum limits as shown may not be appropriate for a rural setting, and further that the IESNA standards may be excessive for a Westbrook setting. She felt clarification was also needed with regard to the specific type of lighting plan required. She questioned whether the language in the last paragraph of 8.22.05 should be “exceeding” rather than “not meeting”. This language would be dependent on how the table is modified. Ms. Ozols continued that the blanket exemption allowing temporary lighting used during construction projects could be problematic and should be eliminated.

Mr. Furno questioned the prohibition of high pressure sodium lights as they are energy efficient. Ms. Rudek will investigate this further.

Ms. Ozols felt it important that the light source not be visible.

Ms. Ketelsen made a motion to find the proposed amendment to the Zoning Regulations concerning exterior lighting requirements consistent with the POCD goal to preserve as much of the Town’s “small town” character as possible in the face of growing population and development pressures and to develop more explicit site plan review requirement so that the regulations produce desirable development with the following recommendations:

1. Add a provision in Sect. 8.22.03 requiring that the light source not be visible.
2. Modify the table in Sect. 8.22.05 to show min. light level not exceeding uniformity ratio (avg. to min. ratio) as recommended by IESNA or eliminate table and simply reference a set standard.
3. Delete the construction project exemption in 8.22.06c.

4. Specify the type of lighting plan required in 8.22.04 as “iso-illuminance circle or light level grid lighting plan”.

5. Address backlit façade lighting

Ms. Waldron seconded the motion. The motion passed unanimously.

Proposed Amendment to Sect. 11.70.00 – Stormwater Management (new)

Ms. Ozols reported that a public hearing will be held jointly with Zoning Commission on March 14th before the next regularly scheduled Planning Commission Meeting for the purpose of reviewing the proposed Stormwater Regulations for both the Subdivision Regulations and the Zoning Regulations. Since both proposals are based on the same standards, holding a combined public hearing will result in a more efficient utilization of the Town Engineer’s time as well as the attending public who may be interested in both.

Ms. Ozols made a motion to find the proposal to address stormwater management to be consistent with the POCD goals to avoid degradation of the environment and surface and ground water resources and promote the coordination of planning and regulatory activities to insure protection of Westbrook’s coastal resources. Additionally, Westbrook’s excellent water resources are its most important natural resource, significantly contributing to the economic, public health, and environmental stability of the community, and should be given primary consideration for protection in all land use decisions.

Ms. Waldron seconded the motion. The motion passed unanimously.

OLD BUSINESS

Plan of Conservation and Development Update

Ms. Parulis continues to work with Jason in review of the preliminary draft. She expects to begin the first section, Conservation, in 2 weeks.

Ms. Parulis distributed the recent survey results to the Commission members. She will further review the comments and provide a summary to the Commission.

Historic and Architectural Resource Survey Update

In spite of recent snow storms, Ms. Parulis has met with the consultants and the project is underway. Cathy Doane was able to provide valuable information to the consultant. A meeting with the Historical Society is planned for the spring. Ms. Parulis reported that she purchased The Field Guide to American Houses book as a reference.

Ms. Parulis thanked Libby Waldron and Phil Basset for their work on assigning addresses for the project. She continued that some of the “newer” properties will be added to the survey if funds can be obtained for a second phase.

By-Laws

Ms. Ozols reported that this item will be discussed at the next meeting pending legal review.

NEW BUSINESS - None

BILLS

Ms. Ketelsen made a motion to pay the following bills from the General Accounts:

Rec. Sec. PC – S. Helchowski	\$100.00	Thompson West	\$91.50
Supplies – WB Mason	\$89.37	GIS – Applied Geographics	\$1,138.16
Supplies – Citizen’s Bank/Amazon	\$21.78	Legal Ad – Hartford Courant	\$55.44

Mr. Furno seconded the motion. The motion passed unanimously.

MINUTES

Mr. Furno made a motion to approve the meeting minutes from the Regular meeting dated 1/10/11. Ms. Ketelsen seconded the motion. The motion passed unanimously.

REPORTS

Inland/Wetlands – Ms. Ketelsen reported that due to the weather, their last meeting was cancelled.

CRERPA – no report.

Harbor Commission – Ms. Parulis reported that the Harbor Commission met today and discussed dredging.

Town Center – Ms. Ozols reported that the TCRC is awaiting site investigation reports.

CORRESPONDENCE

Ms. Parulis distributed a letter from W&C regarding the subdivision of 243 Grove Beach Rd. N. and Stormwater Management Design Review. This will be discussed at the next meeting and Commission members were encouraged to relay any comments/concerns to Ms. Parulis.

ADJOURNMENT

Ms. Ketelsen made a motion to adjourn the meeting at 8:12 p.m. Ms. Waldron seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski