

APPROVED

Westbrook Planning Commission  
REGULAR MEETING  
March 14, 2011  
Mulvey Municipal Center, 866 Boston Post Road

Call to Order – The Regular Meeting of the Planning Commission was called to order by Marilyn Ozols at 8:23 p.m. in the North Conference Room.

A quorum was established with the following Planning Commission members present: Phil Bassett, Carole Ketelsen, Marilyn Ozols, Bill Neale, Ashley Jones, Bob Furno (alt.), Marie Farrell (alt.), Libby Waldron (alt.).

**SUBDIVISIONS**

1. 2004-008-P Subdivision of 243 Grove Beach Rd. N (aka Fairway Estates), 3 lots on 6.69 acres including road construction, Assessor’s Map 23, Lot W13, Conditional Approval granted 10/6/06 – Expires 10/18/11. Request for Acceptance of Public Improvements (Fairway Lane) and Final Approval.

Ms. Parulis reported that the engineering review of as-built conditions to determine the impact of development on stormwater runoff from the site based on concerns raised by downstream property owner had been completed. A letter, dated 1/28/11 from W&C was included in the Commission packets. As indicated in the letter, the Town Engineer found that “**the calculated results from the developer’s model indicated the post-development peak rates of flow and volumes of stormwater discharge do not exceed the pre-development peak rates and volumes**”. The methods and models used in the calculations were also reviewed and found to meet standard engineering practice. Ms. Parulis indicated that a copy of the engineer’s report had been mailed to Mr. Badsteubner in advance of the meeting and that she had not heard anything further.

Based on the results of the Engineer’s analysis, Ms. Parulis recommended Final Approval. Ms. Coffin commented that the review was detailed and the Developer was cooperative and answered questions thoroughly. She noted that her recommendations had been incorporated in the final plans.

Ms. Parulis further reported that the public improvements have been inspected by the Town Engineer and the Public Works Director and found to be in conformance with the approved plans.

Ms. Ozols inquired as to whether there were any additional questions or concerns by Commission members. There were no further questions.

**Ms. Ketelsen made a motion to grant Final Approval to the application of Grove Beach Rd. Associates, LLC (Application No. 2004-008-P) for a three (3) lot subdivision of property located at 243 Grove Beach Rd., N., Assessor’s Map 186, Lot 7 (formerly Assessor’s Map 23, Lot W13) to be known as Fairway Estates as shown on plans entitled: Subdivision of 243 Grove Beach Road North, Westbrook, CT 06498 prepared by Martinez & Couch Associated, LLC dated 7/28/04 and revised through 2/4/11 consisting of 10 sheets subject to the following:**

1. **Submission of a Processing Fee in the amount of \$150.**
2. **Submission of an Inspection Fee in the amount of \$400.**

**This action shall become void if the Final Subdivision Plan and other required documents are not delivered to the Town Planner within sixty-five (65) days of this motion, in accordance with Section 2.9 of the Subdivision Regulations.**

**Mr. Neale seconded the motion. The motion passed unanimously.**

**Ms. Ketelsen made a motion to recommend acceptance of Fairway Lane as a Town Road subject to the posting of a Maintenance Bond in the amount of \$18,000 to be held for a period of one (1) year from the date of acceptance at a Town Meeting.**

**Mr. Bassett seconded the motion. The motion passed unanimously.**

Ms. Parulis noted that a Town Meeting has been tentatively scheduled for April 27, 2011.

**ZONING REFERRALS:**

1. Proposed Amendments to Sections 2.40.00 – Definitions; 4.43.04-CD Zone; 4.113.03 – NCD Zone and Sections 8.23.00 & 8.24.00 (new) – General Development Regulations, to allow Family Entertainment Center in NCD

The applicant, Mr. Pill, reported that the intent of this request is to address a need for family entertainment in Westbrook. His goal is to provide a Family Entertainment Center that would include arcade games, video games and birthday party space. The games would be targeted for families with children between the ages of 3 and 16. The center would be run by adults and the hours of operation would be limited so as not to cause a public nuisance. The proposed Center would be open during the summer months from 12:00 p.m. until 8:00 p.m. Once school is in session, the center would be open Thursday through Saturday only.

Ms. Ozols reported that this part of the referral is for general regulations; not specific to this application. She continued that parking requirements for a family entertainment center may be different from retail parking and that the need for parking may be more intense during certain periods of time. The parking standard as proposed (1 space per 400 sf) is less than what is required for retail.

Ms. Ketelsen expressed concern with the “targeted ages” indicated. She felt ages 3 to 15 would be more appropriate. This issue was discussed at some length. Ms. Ketelsen also commented that the regulation should also address food service and alcohol consumption.

Ashley Jones suggested that the word “targeted” in the definition be changed to “appropriate”.

Ms. Ozols commented that this use is not permitted in the residential area, only in the NCD.

There was a question about the rationale for the requirement that the use be within 500’ of a resort. Ms. Parulis commented that because Water’s Edge is non-conforming and the Shops at Water’s Edge are, technically, not part of the Water’s Edge Resort property, the use could not be considered an accessory use of the resort, and therefore, another mechanism was needed.

Ms. Ozols commented that while the Family Entertainment Center concept is not inconsistent with the POCD, she was concerned that the verbiage in the proposed regulation is not restrictive enough and does not accurately represent the intent; however, that is an issue to be addressed by Zoning.

**Ms. Ketelsen moved that while the intent of the proposed amendment is not inconsistent with the POCD, the Commission feels that the language, as written, may not be specific enough for the stated intent. Mr. Neale seconded the motion. The motion passed unanimously.**

Mr. Neale left the meeting at 9:10 p.m. Ms. Farrell was seated for Mr. Neale at this time.

Ms. Ozols reported that the Special Permit Application to allow a Family Entertainment Center has a hearing scheduled in March. She recommended that the Commission not render a finding on the Special Permit Referral until after the Zoning Commission made a decision on the text amendment allowing the use. The public hearing on the Special Permit Application is scheduled for April 26<sup>th</sup>, so the Planning Commission can consider the referral at the next meeting (April 11).

**OLD BUSINESS**

1. Proposed Amendments to Sections 2.2.6 (Drainage Analysis), 4.12 (Drainage) and 1.5 (Definitions) of the Subdivision Regulations to update standards for Stormwater Management – Public Hearing held prior to meeting.

The Commission reviewed the changes as discussed during the public hearing and agreed that the language should be changed accordingly. (*PURPOSE – add “ and base flow of watercourses”; 2.2.6(2) – add “The Commission may request information relative to the impact on downstream waterbodies and wetlands”; add definition for “Disturbed Area”*)

Ms. Jones noted that a “comma” should be inserted in section 4.12.2 after the word “Agriculture” in the first sentence.

Ms. Ketelsen noted another discrepancy with the Zoning Regulations in Section 4.12.6 General Requirements, # 7. It was agreed that the first word “Residential” should be stricken since there may be a commercial subdivision.

**Ms. Ozols made a motion to approve the regulations with the modifications listed and noted in the public hearing in order to protect and preserve the waters within the Town of Westbrook and Long Island Sound from non-point sources of pollution and flooding through the proper management of stormwater flows and minimization of suspended solids, pathogens, toxic contaminants, heavy metals, petroleum hydrocarbons, nitrogen and floatable debris to these flows transported by stormwater and discharging to wetlands and water courses within Westbrook. Water is a valuable natural, economic, recreational, cultural and aesthetic resource. The protection and preservation of ground and surface water is in the public interest and essential to the health, welfare and safety of the citizens of Westbrook. As such, changes to land cover due to development without proper consideration of stormwater impacts can permanently alter the hydrologic response of local watersheds and potentially increase stormwater runoff rates and volumes, which in turn has the potential to increase flooding, stream channel erosion, sediment transport and deposition, and to impact water quality. Increase to impervious surfaces associated with development result in increases to stormwater runoff and have been directly linked to the degradation of water quality and decrease in ground water aquifers and base flow of watercourses and to set an effective date of April 15, 2011. Ashley Jones seconded the motion. The motion passed unanimously.**

#### Plan of Conservation and Development Update – Adoption Schedule

A copy of the vigorous POCD Adoption schedule was included in Commission member's packet. Ms. Ozols reported that while various extensions were given to the State to complete the State Conservation and Development Policies Plan and the deadline for municipalities to complete local plans was extended, OPM was not willing to extend the grant deadline. The Plan needs to be adopted by June 30, 2011 or the Town must return the \$20,000 grant received from OPM to complete the Plan.

Ms. Ozols encouraged Commission members to submit comments to Ms. Parulis if they cannot attend all of the meetings.

It was suggested that Ms. Parulis reach out to the Beach Associations for feedback on the draft plan.

#### Historic and Architectural Resource Survey – Selection of New Consultant

Ms. Parulis reported that due to health issues, the current consultant cannot finish the project. She has requested feedback from the State regarding potential consultants who had previously responded to the RFP. The Committee briefly discussed proposals received previously from Taylor and Taylor and Heritage Resources.

**Ms. Ketelsen made a motion to authorize Town Planner, Meg Parulis, to select a new consultant pending review of references. Ms. Farrell seconded the motion. The motion passed unanimously.**

#### BILLS

**Ms. Farrell made a motion to approve payment of the following bills from the General Accounts: Rec. Sec. PC – S. Helchowski - \$100.00, Engr. W&C \$275.00, Legal – Branse, Willis, Knapp \$333.50, Printing – Ciel \$207.09, W&C \$640.00 and GIS Maintenance Fee \$350.00. Ms. Ketelsen seconded the motion. The motion passed unanimously.**

Ms. Ozols reported that the Finance Director had circulated a memo requesting that Town Boards and Commissions designate an individual - either the Chairman, another member on the Commission, or staff - to authorize payment of bills on behalf of the Commission in order to expedite payments to vendors. A report of any payments so authorized would be submitted at the next meeting.

There was discussion amongst Commission members as to whether larger bills from Special Account Funds should still be approved by the Commission before payment. Ms. Parulis indicated that in the case of certain deliverables, (i.e. POCD) she would want to know that the Commission is satisfied with the work before authorizing payment, however, larger contracts often require progress payments based on percent complete. She suggested that it might be more important for the Commission to have a running account of the total budget.

Ms. Ketelsen felt that unless there was a problem, she was more comfortable limiting authorization to General Funds only at this time.

**Ms. Ketelsen made a motion to authorize the Town Planner to approve payments from the General Accounts to vendors who provide goods or services on behalf of the Planning Commission. This policy is effective immediately. Ms. Farrell seconded the motion. The motion passed unanimously.**

The Commission requested that an accounting of bills paid within the month be provided with meeting packets.

### MINUTES

**Mr. Bassett made a motion to approve the minutes from the 2/7/11 Planning meeting, with correction. Ms. Jones seconded the motion. The motion passed unanimously.**

**Correction: Page 1 – Note that Libby Waldron was seated as an alternate and delete the second reference to Ashley Jones.**

### REPORTS

IWWC – Ms. Ketelsen had nothing new to report.

CRERPA – Ms. Parulis reported that CRERPA is working on a regional transportation plan. She has a draft of the plan and will discuss further at an upcoming meeting.

Harbor Commission – Ms. Parulis reported that the Harbor Commission has been focused on dredging. A letter was sent from the Selectman to representatives in an attempt to secure funding for a possible joint project with Clinton.

TCRC – Ms. Ozols reported that “Call Before You Dig” has been at the Morgillo property in preparation of another round of environmental testing. She added that the Planning Office is in receipt of two color schemes for the Train Station. This will be presented to TCRC to determine which color the Town prefers. The project now seems to be on the “fast track” and public works is supposed to be out of the current town garage by September.

### ADJOURNMENT

**Ms. Ketelsen made a motion to adjourn the meeting at 10:12 p.m. Ms. Farrell seconded the motion. The motion passed unanimously.**

Respectfully Submitted,

Suzanne Helchowski  
Clerk