

APPROVED

Westbrook Planning Commission
JOINT PUBLIC HEARING WITH ZONING COMMISSION
March 14, 2011
Mulvey Municipal Center, 866 Boston Post Road

Call to Order – The Joint Public Meeting of the Planning Commission and the Zoning Commission was opened by Chairs, Marilyn Ozols and Tony Marino at 7:04 p.m. The purpose of the meeting was to consider proposed amendments to the Zoning Regulations and Subdivision Regulations regarding Stormwater Management.

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

Zoning Commission members presented included: Tony Marino, Chris Ehlert, Harry Ruppenicker Jr., Tom Belval, and Lee Archer.

Also in attendance: Nancy Rudek, Zoning Official; Meg Parulis, Town Planner; and Wendy Coffin, Town Engineer (Woodard & Curran) and members of the public.

PUBLIC HEARING

- 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**
- 2. Proposed Amendments to Sections 11.70.00 thru 11.74.07 of the Zoning Regulations concerning Stormwater Management**

Planning and Zoning Committee members reviewed the 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. They also reviewed the proposed amendments to Sections 11.70.00 through 11.74.07 of the Zoning Regulations concerning Stormwater Management. This review included a comparison of the two documents for consistency. The regulations will ensure that uniform standards are applied to all types of development with regard to stormwater management.

Ms. Parulis reported that the proposed regulations had been presented to the Commission members previously. Ms. Coffin added that the existing Stormwater regulations were vague and did not apply in many instances. Also, flooding issues needed to be addressed. The updated regulations include performance standards for both the quantity and quality of stormwater leaving the site. The regulations, in part, are intended to address anticipated federal and state requirements and to avoid the need for costly retrofits in the future. In addition, the regulations will provide better guidance to applicants in meeting stormwater objectives.

Mr. Marino noted that the challenge for the Zoning Commission is to determine a reasonable threshold for applying the new requirements for existing residential properties. He suggested raising the threshold from 10% to 20% impervious cover including existing development in Sect. 11.72.01.

Ms. Parulis presented a map representing existing flooding issues that was recently updated for inclusion in the Hazardous Mitigation Plan being developed by the CT River Estuary Regional Planning Agency (CRERPA).

Ms. Ketelsen noted that there were some differences in the language between the Subdivision and Zoning Regulations as follows:

Last sentence in Purpose of Subdivision Regulations does not include language in last sentence of Sect. 11.70.01 of Zoning Regulations “and base flow of watercourses” – It was agreed that this language would be added to the Subdivision Regs.

- Definition 11.71.05 (Disturbed Area) is not included in Subdivision Regulations. Ms. Coffin added that the Attorney recommended this be added as part of his review of the Zoning Regulations – It was agreed that this definition would be added to the Subdivision Regulations.
- Definition 11.71.07 (Filtration Measure) is incomplete. It was agreed the following phrase should be added: “or soil for pollutant removal”.

- Last sentence in 11.73.03 of Subdivision Regs. not included in Section 2.2.6 (2) of Zoning Regs. “The Commission may request information relative to the impact on downstream waterbodies and wetlands.” It was agreed that it should be added to the Subdivision Regs.

The Commissions next discussed the Stormwater Management Design Criteria (sections 11.74.00 & 4.12).

Ms. Ketelsen noted differences in section 11.74.02 and 4.12.2 (Peak Flow Control). Ms. Parulis explained that in this case, there should be a difference, however, the language “The standard for characterizing pre-development land use for on-site areas shall be woods in good condition” should be deleted from 11.74.02. This requirement is appropriate for subdivisions but may unduly restrict redevelopment of commercial properties. The issue of what standard to apply to re-development needs further study.

PUBLIC COMMENT

Mr. Thomas Elliott, AIA, and Westbrook resident had the following comments on the proposed Stormwater Management Regulations as proposed for addition to the Zoning Regulations:

Section 11.72.11 Activities Requiring a Stormwater Management Plan

c. The application pertains to **any** site exceeding 10% impervious cover including existing development.

Comments: This requirement means that almost every existing lot in the HDR district will require a Stormwater Management Plan for **any** minor addition or modification.

- It should be noted that currently there are no Stormwater Management Regulations for single family residential lots.
- The maximum building coverage in the HDR District is 25% and many existing structures exceed this. An average 5,000 sq. ft. non-conforming lot with a 1,200 sq. ft. (25% building coverage) structure would require a full Stormwater Management Plan for **any** additional impervious coverage; for example, a 50 sq. ft. enclosed entry or a paved driveway. The 10% coverage threshold for this same 5,000 sq. ft. non-conforming lot is 500 sq. ft. or equal to a 20 ft. by 25 ft. two car garage.
- It is difficult enough to meet the B100(a) public health code for additional building coverage without having to meet the additional separation distance for ground water infiltration.
- The added cost entailed in hiring an Engineer for **any** small project is unacceptable. By adding this additional cost, it is one more reason for many homeowners to avoid the permitting process entirely and therefore creating a difficult enforcement situation.

Proposals:

- Establish a threshold for single family residential properties that are exempt from this regulation similar to the Coastal Area Management Regulations.
- Create a two tier percentage of impervious coverage. Keep the 10% generally but raise this percentage to 25% for non-conforming HDR properties similar to the reduction in side yard dimension for non-conforming HDR properties.

Ms. Ketelsen agreed with several of Mr. Elliott’s comments. She felt that the Commissions should consider the possibility of exemptions. Ms. Ozols replied that exemptions depend on the circumstance and across the board exemptions may not be appropriate.

Mr. Marino recommended that the Public Hearing for the Zoning Regulations remain open to allow the Commission and staff to review and discuss the recommendations/comments made this evening. By consensus of the Commission, the Zoning Commission public hearing was continued to March 22, 2011 at 7:00 p.m. in the Multi-Media Room.

Ms. Ozols polled Planning Commission members as to whether they were ready to close the public hearing on the Subdivision Regulations to which the members responded in the affirmative. Ms. Ozols closed the public hearing on the Subdivision Regulations at 8:15 p.m.

Respectfully Submitted,
Suzanne Helchowski