

Town of Westbrook
PLANNING COMMISSION
REGULAR MEETING MINUTES
Monday, April 9, 2012
Multimedia Room – Mulvey Municipal Center

Members Present: Marilyn Ozols, Chair; Bill Neale, Vice Chair; Phil Bassett, Sec; Carole Ketelsen; Eric Reeve, Marie Farrell and Bob Furno (alt.)

Also Present: Meg Parulis, Town Planner; Stella Beaudoin, Recording Secretary.

Ms. Ozols called the meeting to order at 7:01 p.m.

SUBDIVISIONS: None

TOWN AND GOVERNMENT AGENCY REFERRALS:

1. River Sound Development, LLC Subdivision Proposal – 6 lots, Ingham Hill Road, Essex *Public Hearing 4/19/12.*

The Essex Planning Commission has referred this proposed subdivision to the Westbrook Planning Commission because the property being subdivided is within 500' of the town boundary. The property in question is a portion of the land that was to be developed as "The Preserve". Meg Parulis, Town Planner has reviewed the plans and finds that there are no inter municipal impacts associated with the proposed subdivision in Essex to the Town of Westbrook as the land drains to the north and traffic from the subdivision will enter Rte. 153 north of the Westbrook town line.

The current proposal in the town of Essex was submitted by River Sound Development, LLC and is for a 6-lot subdivision. The six lots within Essex total 15.92 acres of area for the lots. The open space that wraps around the site is 20.7 acres.

At this time there is no plan to extend or improve Ingham Hill Road. The open space configuration has a strip that is adjacent to Ingham Hill Road and then runs along the entire boarder of Old Saybrook. Ms. Parulis noted that there had been some discussion about officially abandoning Ingham Hill Road and if the Town of Essex were to do so, half of the road would go to the land trust.

Ms. Ozols stated that a concern is that this plan potentially precludes the option of a road at some point which puts the pressure on the Town of Westbrook. Ms. Ozols noted that several years ago on the original plan as presented by The Preserve, Westbrook had hoped that there would be multiple outlets, one of them to the north through Essex.

Ms. Parulis stated she understood that the approval in Old Saybrook was contingent on three points of access.

Ms. Ozols stated that in the past, on the advice of the Town's legal counsel, comments were put forward not as a Planning Commission but rather were provided to the Board of Selectmen who commented on behalf of the town.

Ms. Ozols re-iterated that the total development of the property would require multiple outlets in more than one town, and there should be nothing in the design that would preclude a through road. Ms. Ozols suggested that the Board of Selectmen might want to go on record in a letter to the town of Essex and to CRERPA indicating that they would like to make sure that nothing in the current design precludes an option for a road.

Mr. Neale suggested that the Planning Commission recommend that the Selectmen discuss the access.

Ms. Parulis stated that she will present a summary of the concerns as expressed this evening by the Planning Commission to the Board of Selectmen at their meeting on April 16, 2012. Ms. Ozols suggested that Ms. Parulis reference previous letters which were sent on behalf of the original Preserve application.

SELECTMEN REFERRALS: None

ZONING REFERRALS:

1. **Z 2012-03a Proposed Amendment to the Zoning Regulations to create a Housing Opportunity District (HOD) new Section 4.120.00** *Public Hearing 4/24/12.*
2. **Z 2012-03b Proposed Zone Change from LDR to HOD, property of Bessoni, 450 Spencer Plains Road, Assessor's Map 164, Lot 002 in association with a proposed 15 unit affordable housing development (Westbrook-8 units/Old Saybrook-7 units).** *Public hearing 4/24/12.*

Attorney Edward Cassella presented on behalf of the applicant, George Bessoni. Mr. Cassella stated that the site is located on the Westbrook/ Old Saybrook Town line and is comprised of two acres; one acre is situated in Old Saybrook and one acre is situated in the town of Westbrook. This proposal is for a 15-unit attainable housing development. Mr. Cassella referenced Statute 830g which requires 30% affordability with a 60/80 split, i.e., 30% of the units must be made available at an affordable price and in this case the 30% is comprised of five units. Sixty percent of the median income will apply to three of the units and 80% of the median income will apply to 2 of the units. There will be no age restrictions placed on residents within this affordable housing development and the attainable units may be purchased or rented.

The median qualifying income is \$100,000 and the sale price or rent on the five affordable units will be based on the median income. Mr. Cassella noted that the Old Saybrook Zoning Commission is currently reviewing this application.

Mr. Cassella stated that of the five proposed affordable units, three will be located in the town of Westbrook and those units will be comprised of a three-bedroom, a two-bedroom and a one-bedroom unit. The site plan calls for a single access to the development on the town line. Each unit has a private attached garage which will allow access within, and the entrances are recessed. There are 14 spaces in front of the garages for a total of 42 parking spaces. Dennis Godiere, landscape architect prepared the landscaping plan. Each unit will have a small yard, with a deck or a sunroom. There will be a recreation area to the rear of the property with a playscape. The main part of the landscape plan is the evergreen buffer around the back of the units. Blue Spruce and Pine trees will be installed as a ten foot buffer around the perimeter of the adjacent property and there will be a variety of shrubs installed around the foundation. The recreation area, the playscape and the gazebo area will be grass. If the units do not sell as condos, they will be rented.

Phil Bassett questioned if the condo association will take care of plowing, garbage removal, etc. and Mr. Cassella agreed that this will be spelled out in the Common Interest Ownership documents.

Ms. Ozols noted that the Planning Commission purview is limited to the proposed regulation and the zone change for this particular property rather than the details of the proposed site plan.

Ms. Parulis indicated that the proposed regulations are consistent with the Plan of Conservation and Development and will establish a process for dealing with other affordable housing applications. Ms. Parulis noted that the town is looking for smaller scale developments that are compatible with existing neighborhoods.

Ms. Ozols stated that the groundwork has been set down for the future, noting that it would benefit the Town to have a regulation on the books that could work for more than one property.

Mr. Bassett questioned the garbage removal. Mr. Cassella stated that an area will be designated for people to roll out their garbage and a service will pick up and remove. Mr. Cassella stated that this is one of items that need to be finalized.

Ms. Ozols asked if there were any further questions or comments from the Commission. Hearing none she called for a motion.

Mr. Neale made a motion to find Application Z 2012-03a Proposed Amendment to the Zoning Regulations to create a Housing Opportunity District (HOD) new Section 4.120.00 and Z 2012-03b Proposed Zone Change from LDR to HOD, property of Bessoni, 450 Spencer Plains Road, Assessor's Map 164, Lot 002 consistent with the following recommendations in the Plan of Conservation and Development:

- **Provide for a diverse mix of housing choices in quality, well-designed neighborhoods, that accommodates the needs of the Town's residents;**
- **Protect established neighborhoods;**
- **Consider options to encourage housing affordability;**
- **Minimize impacts from new and existing development;**
- **Assess roads and align zoning and land use decisions to road capacity; and**
- **Encourage quality redevelopment and development.**

The motion seconded by Mr. Reeve and unanimously approved.

3. Proposed amendment to the Zoning regulations concerning site Plan Review (Sect. VI) *Public Hearing 5/22/12.*

The proposed amendment is an in-house proposal to update the site Plan Review requirements as part of a comprehensive Zoning Regulation update that the Zoning Commission has been working on over the past two years.

Ms. Parulis summarized the nature of the proposed changes as follows:

- Incorporation of statutory requirements and other language recommended by Atty. Branse: Sects. 6.00.04, 6.10.01 j) & k), 6.30.00 and 6.50.00
- Provision for informal discussion prior to application: Sect. 6.00.05
- Addition of requirement for digital submission of application & final approved plan to satisfy new requirements for returns of record in the event of an appeal: Sects. 6.10.01 & 6.60.01
- More detailed description of application requirements to guide applicants & facilitate review: Sect. 6.10.00
- Incorporation of Lighting Plan, Sanitary Waste Disposal Plan including compliance with Sewer Avoidance Ordinance, and Stormwater Management Plan requirements: Sect. 6.10.01 f), h) & i)
- Addition of provisions for Significant Archeological Sites: Sect. 6.10.011)
- Addition of General Design Requirements: Sect. 6.20.00
- Addition of language clarifying process for Modification of an Approved Site Plan and criteria for Administrative Approval: Sect. 6.80.00

Subsection I) is intended to address the Stormwater Management Plan and Sanitary Waste Disposal Plan. Ms. Parulis noted that typically the Planning Commission receives a sign-off from the Sanitarian on building lots. The Zoning Commission does not require septic approval as a condition of site plan or special permit approval. Ms. Parulis indicated that it would be good to know that an engineer has looked at the site and determined that the site can accommodate a septic system. Ms. Parulis stated that there have been several situations where a good deal of time and money was spent going through the process only to find in the final stages of completion that there was a septic issue. Ms. Parulis noted that compliance with the sewer ordinance must be considered as well. She indicated that she is awaiting an opinion from legal counsel to determine what can legally be required with regard to septic systems.

Section 6.20.00 *General Design Requirements* – Ms. Parulis stated that design requirements have been added to the various zoning districts over the years. This proposal attempts to combine them in one section.

Mr. Furno stated that good design is dictated by how well the project fits with the surrounding and minimum environmental impact. Mr. Furno noted that there is a poor architectural character within the Town of Westbrook. He further commented on the stretch of the Boston Post Road between the Town Hall and Bill's Seafood Restaurant and noted that that area could be modernized to generate a new character that is found nowhere else.

Ms. Parulis asked if Mr. Furno found anything in the proposed language that would limit design options, noting that the proposed language does not speak to a specific style. Ms. Parulis suggested that since Westbrook is a coastal community, the architecture and landscaping should relate to this environment.

Mr. Furno agreed that building materials should be natural to the area and encouraged the use of locally quarried stone rather than brick or concrete.

Ms. Farrell questioned if wording encouraging superior design should be included.

Ms. Ketelsen stated that she has traveled all over the US and Canada and noted that she has certain cultural expectations in the building design, colors and landscaping. Ms. Ketelsen noted that as a resident of the Connecticut shoreline, she would like to see a character of design and landscaping that reflects New England.

Mr. Furno commented on the beach road and noted that the cottages are all the same style. The telephone and the electric wires mar the original character of the neighborhood.

Ms. Parulis noted that in the *Utility Section* it is suggested that the wires be placed underground.

Ms. Farrell commented on Section 6.20.07 *Architectural Character* and noted that she is looking for the words “environmentally friendly” . Ms. Farrell stated that when she thinks of aesthetics, she thinks of being one with the environment. Ms. Farrell commented on the language “preserve and enhance the aesthetic qualities associated with a coastal New England community”, noting that this language may be limiting. A brief discussion ensued.

Ms. Ozols expressed concern that subsection b) which states that “*Roof lines of adjacent properties should be considered to avoid clashes in style and material.*” could inadvertently be used as justification for an entire street of flat-roofed, strip mall or industrial look buildings. After some discussion, it was agreed that this provision could be deleted without adverse effect.

Ms. Ozols also questioned whether the requirement in subsection d) which suggests that “*the building and roof colors should be subdued*” might be overly restrictive.

Ms. Farrell agreed that she does not wish to restrict creativity by limiting the ability to utilize colors.

Ms. Parulis responded that this provision was intended to discourage bright colors typical of chain stores. Ms. Ozols suggested that alternate language specifically aimed at trademarked buildings could be substituted.

Ms. Ozols asked if there were any further comments from the Commission members. Hearing none, she called for a motion.

Mr. Neale made a motion to find the proposed amendment to the Zoning regulations concerning Site Plan Review (Section VI) consistent with the following recommendations in the Plan of Conservation and Development:

- **Protect water resources**
- **Ensure that new development or redevelopment enhances small town character**
- **Ensure sensitive site and building design by strengthening the design review process**
- **Address emergency response needs**
- **Maintain and improve wastewater management and avoid sewers**
- **Review and update land use regulations on a regular basis.**

This finding is made subject to the following recommendations revisions to subsection b) and d) concerning roof lines and the color of buildings and roofs as discussed.

The motion was seconded by Mr. Bassett and unanimously approved.

4. Proposed Amendment to the zoning Regulations concerning Identification Signs for Residential Developments (Sects. 10.26.01 & 10.27.06) *Public hearing 5/22/12.*

The proposed amendment is an in-house proposal to officially allow identification signs for residential developments. These have been tacitly allowed but are currently not listed as permitted in the existing regulations. Allowing this type of sign could assist emergency responders and aide in general way finding. The recommended maximum size in the proposed amendment was based on a survey of existing signs erected for this purpose.

Members discussed various signage and noted that subdivision sign requirements should be made part of the subdivision approval. Ms. Ozols expressed concern about the maintenance of subdivision signs where there is no homeowners association.

Ms. Parulis stated that she will review and come back to the Commission with new language.

5. Proposed amendment to the Zoning Regulations concerning Stormwater Management (Sections 11.72.01, 11.73.12, 11.74.02, 11.74.03, 11.74.04, 11.74.05, 11.74.07 & 11.74.08) *Public hearing 5/22/12.*

Ms. Parulis explained that after working with the recently updated stormwater management regulations for the past year there is a need to address some practical and technical issues that have been encountered in applying them. The most critical issue that needed to be addressed is related to the construction or reconstruction of single family homes on small lots in the beach areas. Instead of requiring a full storm water management plan which must be prepared by an engineer for properties exceeding 20% impervious cover, a more simplified approach to controlling and treating stormwater runoff was developed. This approach should also result in less conflict between stormwater infiltration measures and existing septic system. Section 11.72.01 was modified to eliminate the 20% impervious cover threshold, and to clarify and expand exemptions for specific activities. A needed relief valve was added to Section 11.74.02 of the Zoning regulations and the corresponding Section 4.12.2a.) of the Subdivision Regulations concerning Peak Flow Control in the case where the site is located in a tidally influenced area. All other changes were recommended by the Town engineer for clarification purposes and do not represent a change in policy.

Mr. Neale made a motion to find the Proposed amendment to the Zoning Regulations concerning Stormwater Management (Sections 11.72.01, 11.73.12, 11.74.02, 11.74.03, 11.74.04, 11.74.05, 11.74.07 & 11.74.08) consistent with the following recommendations in the Plan of Conservation and Development:

- Protect water resources
- Continue to address water quality issues resulting from the stormwater system
- Adopt additional LID techniques

The motion was seconded by Mr. Bassett and unanimously approved.

BILLS:

GENERAL ACCOUNTS		SPECIAL FUNDS	
1. Rec. Sec. – Stella Beaudoin	\$289.30	1. Historic Survey	\$4,000.00
2. Engr. – Woodard & Curran	\$130.00		
3. Legal – Branse, Willis, Knapp	\$16.50		
5. Supplies – WB Mason	\$78.51		
Parking Standards – APA, ITE	\$198.95		
6. AppGeo – GIS	\$2,475.00		
ESRI – GIS	\$350.00		
7. CT Main St. Center	\$95.00		

Mr. Neale made a motion to approve the bills paid from the General Accounts.
The motion was seconded by Ms. Ketelsen and unanimously approved.

Ms. Ketelsen made a motion to authorize the Town Planner to release the payment for the Historic and Architectural Survey Update upon receipt of corrections.
The motion seconded by Mr. Bassett and unanimously approved.

MINUTES:

1. Regular Meeting – February 13, 2012
Mr. Neale made a motion to approve the Minutes of the February 13, 2012 meeting
The motion seconded by Mr. Reeve and unanimously approved.

OLD BUSINESS:

1. Historic and Architectural Survey Update. Ms. Parulis reported she is reviewing the second batch of inventory sheets which she will pass on to members for review once corrections are made.

Ms. Ketelsen made a motion to authorize the Town Planner to release payment of the Historic and Architectural Survey upon receipt of corrected inventory sheets.
The motion seconded by Mr. Bassett and unanimously approved.

NEW BUSINESS:

1. **Draft Amendment to the Subdivision Regulations concerning Stormwater Management** (*Sections 4.12.2, 4.12.3, 4.12.4, 4.12.5(1), 4.12.5(5), 4.12.5(10) & 4.12.7(2)*)

Ms. Parulis explained that the proposed amendments to the Subdivision Regulations were consistent with the proposed amendments to the Zoning Regulations discussed in item 5. Ms. Ozols suggested that a public hearing be scheduled for May.

REPORTS:

Inland Wetlands and Watercourses Commission: Ms. Parulis stated that the IWWC is currently reviewing the affordable housing application and they have also received the Middlesex Hospital proposal. There is also a proposal for mini-golf and an ice cream shop which is proposed to be located across the street from Chapman Beach Road.

CRERPA: Mr. Neale reported that the Town of Essex will be voting on the proposed merger of the Midstate Regional Planning Agency and CRERPA to form a new Council of Governments. If approved by Essex, it appears there is enough support from the member towns to go forward.

Harbor Commission: Ms. Parulis stated that the Harbor Commission is working with Torrance Downes on the Harbor Management Plan.

Town Center Revitalization Committee: Ms. Ozols reported there will be a special meeting April 10, 2012 to get authorization to proceed with the remediation of the Morgillo property recently acquired by the Town. Ms. Ozols indicated that the Committee is still waiting to see if the budget is approved for the UConn study. If approved, the study will commence this Spring.

Ms. Parulis stated that the CT Water Company will be replacing the water main on Route 1 from the Town Center to the water tower. As part of that project, sidewalks will be installed along the entire length of the new water main. She reported that she has been working with the Town Engineer and Director of Public Works to develop sidewalk and apron details that will be used for the design of the sidewalk and will become part of a Road Standard document to be used for all Town projects including subdivisions. Ms. Parulis noted that this is what the engineering money was spent on.

CORRESPONDENCE:

Ms. Ozols reminded Commissioners that the Land Use Academy will conduct general training at the Extension Center in Haddam at the end of April and there are still openings.

**A motion was made by Ms. Ketelsen to adjourn at 9:13 p.m..
The motion seconded by Mr. Neale and unanimously approved.**

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The next regularly scheduled meeting of the Westbrook Planning Commission will be conducted on Monday, May 14, 2012, Multimedia Room – Mulvey Municipal Center.