

**Westbrook Planning Commission
Regular Meeting Minutes**

August 8, 2016

**Mulvey Municipal Center, 866 Boston Post Road
Multi-Media Room**

MEMBERS PRESENT: Marilyn Ozols, Chair; Bill Neale, Vice Chair; Phil Bassett, Secretary; Eric Reeve, Ann Brookes (alt)

ALSO PRESENT: Meg Parulis, Town Planner

Ms. Ozols called the meeting to order at 7:03 p.m. Ms. Brookes was seated.

Mr. Neale made a motion to change the order of the Agenda to hear Zoning Referral ZC2016-009 first. The motion was seconded by Mr. Bassett and unanimously approved.

ZONING REFERRALS:

1. **ZC2016-009 – 11 & 13 Meadowbrook Road Extension, (Parcel ID 184, Lots 126 & 127) Continued application for a proposed Zone Map Change from MDR (Medium Residential District to PRDD (Planned Residential Development District). Applicant/Owner: Robert G. Furno, AIA & Bumlingen, LLC. Public Hearing scheduled for 8/23/16.**

The owner, Robert G. Furno, began his presentation with a series of photos taken from various points along the Patchogue River looking towards the proposed development. The photos show a canopy of trees and other vegetation that Mr. Furno has maintained and trimmed to provide a view of the river while retaining privacy and screening from the river.

As stated previously, the development allowed under the proposed PRDD will consist of one existing two-bedroom house, one studio enlarged to a two-bedroom unit, and twelve additional to-be-built two-bedroom units. The new units will average approximately 1650 sq. feet and will all have ground floor master bedrooms with a bathroom.

Parking will be provided for 28 cars in three separate structures (sixteen in a pole barn with a steep roof and wood siding painted red, five in a carriage house configuration in the northeast complex of four units, and seven in a carriage house configuration in the northwest complex of two units).

The units will be grouped around an open court yard that has vegetable and flower gardens, sculptures, paths and benches. No garage doors will be visible upon entering the complex.

Amenities will include approximately four acres of open space with 900 feet fronting on the Patchogue River protected through a Conservation Restriction, a dock for small boats and kayaks, and an artist's cabin. The cabin is existing. It was built in the 1940's and used as a Girl Scout assembly building.

The materials used on the exteriors of the buildings will include native stone from Glastonbury, CT. Gables and siding will be gray corrugated siding similar to the existing studio siding. The walkout basement wall will be stucco. Pitched roofs will be standing seam metal. Flat roofs will be green roofs which filter rain water and reduce runoff. Paving has been designed to be as minimal as possible covering less ground than subdivision roads and driveways. Paving material is to be porous.

Attorney Ed Cassella briefly explained that Mr. Furno is proposing to have no more units than are allowed under the Subdivision Regulations in a uniquely designed setting creating housing diversity. Mr. Cassella

stated that the project is consistent with the following policies and goals of the Plan of Conservation and Development:

- Encourage housing diversity;
- Continue to preserve open space;
- Ensure that new development and redevelopment enhances small town character;
- Enhance protection of coastal resources; and
- Ensure sensitive site and building design.

Ms. Ozols stated that while she understands the applicant's intent, the proposed regulations governing the PRDD are not sufficient to ensure that the type of development envisioned would be built. Mr. Furno responded that the regulations proposed meet the minimum standards outlined in Sect. 9.10.03.

Mr. Neale expressed concern that the proposed regulations do not have enough detail and a developer could come back in the future, and create something different than what the Commission approved. Mr. Bassett agreed with Mr. Neale and has seen this happen in the past.

Mr. Bassett is concerned with the infrastructure; specifically the water source for this development. In the event of a power outage, the development would have to have generators to power the pumps in the wells. Mr. Bassett suggested that Mr. Furno look into the possibility of connecting to public water.

Ms. Brookes asked if the Open Space calculation includes the green and garden space located between the units. Mr. Furno stated that the Open Space calculation, at 54.8%, only includes the land near the river. Ms. Brookes asked if there are any other developments in Westbrook with a large 'parking barn'. Mr. Cassella stated that there are none in Westbrook. He pointed out that Old Saybrook has developments with detached strip garages.

Ms. Ozols inquired about driveway access to the adjoining lots. Mr. Furno indicated that there is no formal easement but that access has been provided. Ms. Ozols suggested that a formal easement be drafted for access to the adjoining lots.

Due to the outstanding issues, Ms. Parulis was directed to request that the public hearing for the Zoning Commission scheduled for August 23rd be kept open. Attorney Cassella will tie all loose ends together for the next Planning Commission meeting in September.

SELECTMEN REFERRALS:

1. 8-24 Review – Septic Easement – 177 Old Mail Trail (Parcel ID 195/054 & 071) – Property of Barbara Peet

The proposal is to run a pipe from the lot located on the north side of Old Mail Trail to a septic system on the lot located on the south side of Old Mail Trail for a proposed 2-bedroom house. The proposed septic system is in a modified beach and dune. Ms. Ozols stated that this is an increase of an intensive use in a Wastewater Management Study Area. These areas have been identified as high risk of pollution by the State of Connecticut Department of Environmental Protection by virtue of the high density of the area.

Ms. Parulis reported that the area of the proposed septic system is also in a Coastal High Hazard (Zone VE) flood zone. The dwelling will be located a Special Flood Hazard Area (Zone AE10). The septic design is in accordance with public Health Code. A variance was obtained to allow construction of the dwelling within 11 feet of the tidal wetland.

Ms. Parulis further noted that the lots are unbuildable without this easement. According to Attorney Branse: "Denial of the consent would NOT be a taking of property. No one -- municipality, individual, corporation, etc. -- can ever be compelled to sell real estate interests. The owner has the bad fortune of owning a parcel of land that can't comply with the public health code on its own. NO other owner has any obligation to convey

interests in real estate to avoid that bad fortune. This is not to say that the Town may not voluntarily decide to make public land available for septic repairs/improvements in the interests of the public health and environmental protection, but that's not the same being REQUIRED to do it. A vacant lot would have no such argument."

Ms. Brookes stated that this is an environmentally sensitive area and questioned if this would set a precedent.

The Commission agreed that the granting of an easement, in this case, would allow construction on otherwise unbuildable lots, thereby inducing development in an environmentally sensitive area that is already at high risk of pollution and is vulnerable to flood damage.

Mr. Reeve made a motion to find the granting of a septic easement to 117 Old Mail Trail INCONSISTENT with the following recommendations and goals in the Plan of Conservation and Development for the reasons outlined above:

Minimize new non-water dependent development in flood zones. The Town should ensure that the number of dwelling units (and hence residents) in the low-lying, flood prone sections of the coastline are not increased ...

Prohibit new development if septic requirements cannot be met (i.e. on the property owned by the applicant)

Enhance protection of coastal resources (i.e. Tidal wetlands, beach and dune areas)

The Motion was seconded by Mr. Neale and unanimously approved.

BILLS:

GENERAL ACCOUNTS		SPECIAL FUNDS	
1.	\$	1.	\$

There were no bills.

MINUTES:

1. Regular Meeting – July 11, 2016

Mr. Neale made a motion to approve the minutes as amended. The motion was seconded by Mr. Bassett and unanimously approved.

OTHER BUSINESS:

1. Sidewalk Plan – No Report
2. Proposed POCD Update – No Report

REPORTS:

1. **Inland Wetlands and Watercourses Commission** – Application by the Town of Westbrook for Significant Activity to replace the Lynne Road bridge over the Falls River.
2. **RiverCOG** – Slowly working on regional POCD. There is a large group of people working on it and it is difficult to gain consensus. Some federal transportation funding which provides approx. 60% of RiverCOG's funding, is being tied to a reorganization of the Metropolitan Planning Organizations to align with Urbanized Areas as determined by the Census. This could mean that RiverCOG towns would go to Hartford, New Haven or Norwich-New London. All 8 MPO's in Connecticut would be affected. They are lobbying the Governor and legislators to help keep the current organizations intact.

3. **Harbor Management Commission** – Ms. Parulis reported that she is working on a scaled down plan for Mulvey Landing to reduce costs. Design on the upgrade of Kirtland Landing should get underway in January.
4. **Town Center Revitalization Committee** – At the last meeting, a report was presented by the consultant hired to see if the market could support the build-out of the Town Center envisioned in the UCONN Study and to help determine if the cost of a community septic system could be supported. He felt that the number of housing units and commercial square footage was on the high side and gave recommendations for more realistic numbers. The smaller growth projection will mean a lower design flow for a community septic system which might open up lesser cost alternatives. He strongly supported the place making recommendations in the UCONN study as necessary for attracting new businesses. While attracting new retail is a tough sell, there is always room for unique and interesting stores. The next step will be to re-calculate septic design flow based on the more realistic growth projections and get a revised estimate for a community system.

CORRESPONDENCE:

ADJOURNMENT:

Mr. Neale made a motion to adjourn at 8:59 p.m. The motion was seconded by Mr. Bassett and unanimously approved.

Respectfully submitted,

Lisa DeMaria, Recording Secretary