

APPROVED

Town of Westbrook
PLANNING COMMISSION
REGULAR MEETING MINUTES

Monday, September 10, 2012
Multimedia Room – Mulvey Municipal Center

Members Present: Marilyn Ozols, Chair; Phil Bassett, Sec; Carole Ketelsen; Eric Reeve, Marie Farrell(alt.)
Bob Furno (alt.), Libby Waldron (alt.)

Also Present: Meg Parulis, Town Planner

Ms. Ozols called the meeting to order at 7:02 p.m. Ms. Waldron was seated for regular member Bill Neale.

SUBDIVISIONS: None

TOWN AND GOVERNMENT AGENCY REFERRALS: None

ZONING REFERRALS:

1. **Z2012-20 – 63 Pilot’s Point Drive** Petition to Amend the Zoning Map from Neighborhood Residential District (NCD) to Commercial Boating District (CB). Parcels located on Boston Post Road. Parcel ID 184/084 Applicant: H. Brian Dumeer. *Public Hearing scheduled September 25, 2012.*

Mr. Dumeer presented on behalf of Pilot’s Point Marina. He explained that Pilot’s Point was seeking a zone change in order to be able to use the lots in question in a manner consistent with the marina operation. He reviewed the map showing the properties affected by the proposed zone change. The proposed map amendment involves a portion of a larger lot that is currently zoned part CB and part NCD and a smaller lot that is currently zoned NCD fronting on Boston Post Road. The applicant wishes to re-zone the NCD portion of the larger lot and the entire smaller lot in front to CB. The septic system for the marina is currently on the NCD-zoned lot. Re-zoning of the lots would effectively expand the CB District to the east. The properties to be re-zoned are between the Pilot’s Point Marina and the recently approved Marina Way & Duck Island Landing housing developments. Mr. Dumeer indicated that while the NCD appears to have stricter design standards than the CB District, he believes that the new Site Plan design standards would assure that any new development was architecturally appropriate. At this time, the owner would like to build storage units on the larger rear property, and create a park-like area on the front property to improve the character of the district.

Ms. Ozols asked Mr. Dumeer to elaborate on why the applicant would choose to re-zone the front property to a district with more limited uses than what currently exists. She noted that with past applications for the marina, it was sometimes difficult to prove that a use was “incidental” to the marina, citing the General Store as an example. Mr. Dumeer responded that the applicant is comfortable with that limitation and wants to keep the use of the property compatible with the marina.

Mr. Bassett inquired as to the type of storage units that were envisioned. Mr. Potts responded that they have not been designed yet, but would be made attractive. He further noted that landscaped berms could be created to minimize visibility from Boston Post Road. The units would also be screened from the future residential development to the east.

Ms. Ozols asked Ms. Parulis to review with the Commission the newly adopted design standards in the Site Plan Review requirements to see if Commission members felt there were adequate controls in place if the property were re-zoned.

Ms. Parulis made note of the fact that all uses in the CB District require a Special Permit and the Zoning Commission would have some discretion on what uses are considered incidental to the marina. She felt there were adequate controls in place to ensure that any future development under the proposed re-zoning would meet design objectives.

Ms. Ketelsen made a motion to find the proposed zone change consistent with the following goals and recommendations in the Plan of Conservation and Development:

- *Continue to promote business development in targeted areas*
- *Encourage quality redevelopment*
- *Support the Marina District*

The motion was seconded by Ms. Waldron and unanimously approved.

2. **ZC2012-025 – 2000 Boston Post Road (Vintage Motorcars)** – Petition to Amend the Zoning Map from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD) for of a portion (.42 acre) of the lot which would place the entire parcel in the NCD Zone. Parcel ID 180/004 Applicant: Richard Willard *Public Hearing scheduled October 23, 2012.*

Mr. Willard appeared on his own behalf. He explained that he is seeking the zone change in order to have more room to create enclosed parking. His property is currently NCD and MDR. He chose to seek an amendment to the zoning map rather than seek a variance based on a discussion with the Planner who indicated that the Town might be changing the zone line to match property lines in this area at some point.

Ms. Ozols commented that if the Commission is supportive of this zone change, they should also be supportive of including the adjacent properties. She acknowledged that this applicant could not include the adjacent properties in his request.

Ms. Parulis noted that the wetland system in the back of the property would provide a natural buffer to the residentially zoned property. However, any activity within the re-zoned area would require a wetlands permit as it is within 100' of the wetlands boundary.

Mr. Furno expressed concern that the amount of upland gained by the zone change was not significant.

Mr. Willard responded that the zone change would allow an additional 3 parking spaces. He showed a plan of where he would like to build. He indicated that his reasons for enclosing the parked cars are threefold:

1. Visual improvement
2. Control & confinement of fluids
3. Security

He relayed that there had been contamination issues from the previous use that are still being monitored and that he has had some vandalism of the cars outside. He also explained that if the mini-golf project is approved on the adjacent parcel, he would want to secure and screen his operation from view.

Ms. Ketelsen asked how the fluids would be controlled. Mr. Willard showed a sample of a “pig” mat that absorbs any oil or gas that leaks.

Ms. Ozols noted that a 15' setback is required from the property line and that the appearance of the buildings was important, however, this would be addressed at the time a site plan is submitted.

Mr. Willard responded that he is trying to stay as far away from the wetlands as possible. He suggested that he could use a brick veneer, similar to what he used on the showroom, on the most visible walls.

Mr. Furno suggested the Planning Commission include a recommendation to the Zoning Commission to pursue modifying zone lines where they don't follow lot lines. Ms. Parulis indicated that she would consult with the Zoning Official to see whether they could move this project forward.

Ms. Ketelsen made a motion to find the proposed zone change consistent with the Plan of Conservation and Development goal to *continue to promote business development in targeted areas* with the recommendation that the Zoning Commission modify zone lines to follow property lines where appropriate.

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

BILLS

GENERAL ACCOUNTS		SPECIAL FUNDS	
1. Rec. Sec. – Stella Beaudoin	\$	1. Aerial Buy-up GIS	\$5,500.01
6. GIS - AppGeo	\$3,000.00		
7. Conferences – M. Parulis SNEAPA	\$199.99		
Conferences – M. Ozols SNEAPA	\$199.99		

Mr. Bassett made a motion to pay the General Account bills as presented. The motion was seconded by Ms. Waldron and unanimously approved.

Ms. Parulis reported that she had received both the aerial photography and building footprint data from the flight conducted in the Spring. The new data will be included in the next update of the On-Line Mapping System.

Mr. Reeve made a motion to pay the Special Fund bill as presented. The motion was seconded by Mr. Bassett and unanimously approved.

MINUTES:

Ms. Parulis distributed a revised copy of the minutes with suggested changes shown in red. These changes were made after the minutes were sent out in the packets.

Ms. Farrell noted a typo on p. 2 of 7 of the April 9 minutes.

Mr. Bassett made a motion to approve the regular meeting minutes of August 13, 2012 with the corrections as presented. The motion was seconded by Ms. Waldron and unanimously approved.

Ms. Ketelsen made a motion to approve the regular meeting minutes of April 9, 2012 with the corrections as presented. The motion was seconded by Mr. Bassett and unanimously approved.

OLD BUSINESS:

1. Historic and Architectural Survey Update

Ms. Parulis reported that the town had received reimbursement for the grant and she was targeting October for a public presentation by the consultant and a representative from the State Historic Preservation Office. Ms. Waldron suggested that members of the Historical Society be included.

2. Proposed Amendment to Sections 2.11.6 and 5.4 of the Subdivision Regulations concerning Maintenance Bonds and Width of Sidewalk. *Public Hearing Scheduled for October 15, 2012.*

Ms. Ozols reported that there were no additional changes to the proposed amendment discussed at the last meeting and the public hearing will go forward in October.

3. Appointment of Regional Planning Commission Alternate

Ms. Ozols reported that she had not yet found a candidate for the position and that this item would be tabled until the next meeting.

NEW BUSINESS: None

REPORTS:

1. Inland Wetlands – Ms. Parulis reported that the mini-golf application on Boston Post Road had been withdrawn because they were running out of time and still had some issues to address. The applicant has indicated that he will re-apply.
2. RiverCOG – Ms. Ozols noted the change in name from CRERPA to RiverCOG and reported that the planning agency has moved to its new office in Essex on Dennison Rd. which is still close by.
3. Harbor Commission – Ms. Parulis reported that work was still underway on the Harbor Mgmt. Plan and that the AdHoc Shellfish Commission was looking to fund a Shoreline Survey in order to open shellfish beds. Ms. Ozols explained that the Shoreline Survey was done in the past by the Department of Agriculture/Bureau of Aquaculture (DA/BA) and is necessary to get approval. The DA/BA indicated that there were no plans to conduct a survey in the near future. A former employee of DA/BA will conduct the survey if funded.

4. TCRC – Ms. Ozols reported that the work with UCONN is continuing and a meeting has been scheduled with some key property owners on Sept. 25th for initial input on plans.

CORRESPONDENCE:

Ms. Parulis reported there was no correspondence but wanted to inform the Commission that she and the Zoning Official will be requesting that the Zoning Regulations and Subdivision Regulations be removed from the Town Ordinance. They have not been kept up to date and it is no longer necessary since they are posted on the web site. Town Counsel has advised the Town Clerk that in order to remove the regulations from the Ordinance, it must go to a Town Meeting.

Ms. Ketelsen made a motion to adjourn at 7:56 p.m. The motion was seconded by Ms. Waldron and unanimously approved.

Respectfully Submitted,

Meg Parulis, Town Planner