

APPROVED

WESTBROOK PLANNING COMMISSION
REGULAR MEETING MINUTES
Monday, September 13, 2010
Multi-Purpose Room, Mulvey Municipal Center, 866 Boston Post Road

Call to Order

Chairman Ozols called the meeting to order at 7:03 p.m.

A quorum was established with the following Commission members present: Marilyn Ozols, Chairman, Carole Ketelsen, Phillip Bassett, Ashley Jones, Libby Waldron (alt) Bob Furno (alt), Marie Farrell (alt), and Bill Neale. Town Planner, Meg Parulis was also present.

SUBDIVISIONS:

- 1. 2010-001-P Resubdivision Land of Paul J. Vumbaco, 7 lots on 35.52 acres including road construction, located on Toby Hill Road, Assessor Map 117, Lot 6 (formerly Assessor's Map 77, Lot E105). Waivers requested. *Site walk conducted on 9/8/10.***

Ms. Ozols announced that a public hearing on this item would be held at 8:00 p.m.

- 2. 2002-007-P Subdivision of property of D'Aquila, 5 lots on 5.4 acres including road construction, located on Boston Post Road & Jakob's Landing, Assessor Map 24, LotN15 – Conditional Approval granted 12/16/02 – expires 12/16/12. a) Request for release of erosion and sedimentation control bond (\$5,000 + interest, b) road acceptance (Jakob's Landing Ext.) and c) final approval.**

Ms. Parulis reported that the site is completely stabilized and she recommended that the Commission release the Erosion & Sedimentation Control Bond (\$5,000 plus interest). The release of the bond is subject to the \$50 application fee.

The appropriate documents have been received including the as-built roadway plan and profile, certification from the Surveyor that the monuments have been set, certification from the Town Engineer that the road was constructed in accordance with the plans, and the draft warrantee deed conveying the road to the Town. Requirements pertaining to Sect. 2.11.4, Sect. 2.12 and Sects. 5.3 & 5.3.1 have been met. All of the criteria necessary for final approval, including easement documentation, driveway aprons, sidewalks and public improvements have been met. Ms. Parulis recommended that the road be accepted. Ms. Parulis commended Mr. D'Aquila for his cooperation and attention to detail.

Ms. Ketelsen made a motion to grant final approval to the subdivision known as Property of D'Aquila, five (5) lots, located on Boston Post Road, as shown on the plans prepared by Angus McDonald, Gary Sharpe & Associates, Inc., consisting of 3 sheets, dated June 6, 2002 with revision through February 10, 2005.

This action shall become null and void if the Final Subdivision Plan and other required documents are not delivered to the Town Planner within 65 days of this Motion, in accordance with Section 2.9 of the Subdivision Regulations.

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

Mr. Neale made a motion to release the Erosion and Sedimentation Control Bond (\$5,000 plus interest) and to utilize that sum as part of the road maintenance bond in the total amount of \$13,000 and to recommend the Board of Selectmen accept the Jakob's Road extension. Mr. Bassett seconded the motion. Discussion followed.

Ms. Ketelsen amended the motion to note that the bond amount would be transferred to the bond for the road and any difference would be made up by Mr. D'Aquila.

The amended motion passed unanimously.

3. 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 10/18/06 – expires 10/18/10. Request for 1 yr. extension of conditional approval.

Ms. Parulis reported that the conditional approval granted in October 2006 is set to expire in October 2010. While the project is close to completion, she advised the applicant to request an extension to make sure they didn't run out of time. She anticipates they will be ready for final approval at the next Commission meeting.

Mr. Neale made a motion to grant the extension for conditional approval to expire 10/18/11. Mr. Bassett seconded the motion. The motion passed unanimously.

4. 2010-002-P Subdivision of Land of Seaside LLC, 2 lots on 4.1 acres, located on 548 Boston Post Rd., Assessor's Map 188, Lot 190 (formerly Map 24, Lot N30A). Coastal Site Plan Review. Date of receipt 9/13/10. Decision by 11/17/10.

Bob Doane presented plans for a two lot subdivision. He reported that the applicant wishes to use the property for a stand-alone gravel parking lot. The proposed Lot 1B is currently part of the entire parcel of 478 Boston Post Road, known as Edd's Place. The lot that is being carved out of Edd's Place is the portion of the parcel that is presently used for parking for the vacant restaurant at 516 Boston Post Road. The applicant has purchased 516 Boston Post Road and intends to continue the existing use of the parking lot. A variance has been granted to allow a stand-alone parking lot once the property is subdivided. Mr. Doane reviewed the building setbacks as shown on the plans.

The subdivision requires a waiver of section 4.2.1 (paragraph 1), minimum buildable area section. The property is located in the flood plain. The size requirements have been met and the applicant has no intention of building on the property.

Ms. Ozols commented that while the current use of the property is a parking lot, she felt it appropriate to restrict future use of the lot as a condition of granting any waivers.

There was discussion of existing encumbrances on the property including an easement for the septic system serving 516 Boston Post Rd. and associated parking. Mr. Doane will include easement documentation as part of the submission.

Ms. Ketelsen expressed concern that the proposed property line is located in the basin. Mr. Doane responded that the area is open tidal water and there are no current boat structures or dockage on the property.

Ms. Ozols questioned whether extreme high tide line was shown on the plans. Mr. Doane responded that because of the topography of the site, it is the same as the mean high water. He agreed to add a note to the plans. She also questioned whether legal documents had been provided to ensure that the small triangular piece to the north of the proposed lot would be merged with the adjoining property. She noted that because Conservation Subdivision designs are now mandated, a waiver is required for a Conventional Subdivision. She also requested that a Parcel History Map be provided. Mr. Doane responded that a narrative had been included with the application and he submitted a copy of the plan showing the original division of land (Parcel A and Parcel B) which was the "first cut". While this information was helpful, it still did not meet the full requirement of the regulations. Mr. Doane agreed to provide the information in the proper format.

Mr. Furno was concerned that the paved area of the existing parking area is over the property line and on Town and state property. Mr. Doane responded that the limits of the parking area are an existing condition that has been previously approved.

Current lighting on the property was briefly discussed. The owner of the property indicated that there are high pressure lights maintained by CL&P on the property. There is also a street light in the area.

Ms. Parulis reported that the application was reviewed and approved by the Sanitarian for compliance with B100a. She went on to summarize the following items that need to be addressed:

- Revise waiver letter to include a request for waiver of Sect. 9.12.00 mandating a Conservation Subdivision in accord with 9.12.04 c) of the Zoning Regulations.

- Submit parcel history map in accord with Sect. 2.2.8. The map must be at a scale of 1"=200'.
- Show extreme High Tide Line on plan and/or add note indicating that it coincides with MHW.
- Label Lot 2.
- Add Zoning Compliance Chart to plan.
- Submit draft deed of merger of small triangular portion of Lot #1(.01 acres) with Lot #2.
- Reference parking easement in favor of 516 Boston Post Road on the Record Subdivision Map along with septic easement.
- Provide a copy of the septic easement for 516 Boston Post Rd.
- Coastal Site Plan Review Application as submitted is incomplete:
 - Sect. III- Part III is not completely filled out. Those items that are "Not Applicable" should be so checked.
 - Sect. III – Part VII.B. 2. Applicant has not answered the question regarding identification of existing and/or proposed water-dependent uses.
 - CSPR Application should reflect entire subdivision (2 lots) as opposed to single lot.

Ms. Parulis concurred with the recommendation that no new buildings be constructed on the lot in light of the fact that the property is in the flood plain and does not meet minimum area of buildable land requirements. She suggested that this restriction be made as a condition of approving the Coastal Site Plan and/or the granting of a waiver of the minimum area of buildable land requirement.

Mr. Doane indicated that the applicant would have no objection to such a condition. He agreed to provide the additional information requested before the next meeting.

The public hearing for item 1. was opened at 8:09 p.m. and the regular meeting resumed at 8:49 p.m.

TOWN AND GOVERNMENT AGENCY REFERRALS: None.

ZONING REFERRALS:

1. Z2010-10 Pettipaug Rd. (The Lee Company) – application for change of zone from LDR to LI, 14.2 acres, Assessor’s Map 150, Lot 6. Public hearing scheduled 10/26/10.

Mr. Matthew White appeared before the Commission representing the Lee Co. The Lee Company is proposing to change the zone of a portion of their property immediately adjacent to the developed portion of its Pettipaug Road light industrial site. He reported that the land in question does not abut any residentially zoned property. A 100 ft. buffer is proposed along Rte. 153, a 50 ft. buffer is proposed along the rear of 3 residential properties which abut Rte. 153 (owned by The Lee Co.). A buffer of greater than 400 ft. is proposed along residential property to the east. This land is also isolated from Rte. 153 and contains steep slopes as well as ledge that create a natural buffer. There are also large areas of wetlands on the property. This land is not ideally suited to residential development. The Lee Co. proposes an expansion similar to their current campus.

Ms. Parulis had concerns with the potential traffic impact if the use of the property was intensified. She requested that the applicant provide a preliminary traffic analysis.

Mr. White responded that it is difficult to get a "preliminary" traffic analysis and there is no way for a traffic engineer to "just look at it". He requested a full understanding of exactly what the Commission is requesting. He continued that any future development of the project would be subject to a special permit which would require a traffic study.

Ms. Ozols commented that the Lee Co. is a very responsible tenant as demonstrated by their willingness to stagger employee hours so that traffic impacts are minimal. However, there is the concern with expanding a light industrial district; which would be a permanent expansion of the district regardless of property ownership. There is the potential for high traffic generators. Also the narrowness of the roads is a concern.

Mr. White reported that traffic is not presently an issue, however, if issues arise in the future the intersection of Rte. 153 and Pettipaug Rd. can be improved.

Ms. Parulis reported that the POCD suggests caution if/when expanding industrial zones into residential zones. She added that infrastructure must be adequate for allowed usages.

Ms. Ozols commented that while there is the potential for concerns regarding traffic, she felt that these concerns can be addressed through research. She suggested that the traffic study done for “The Preserve” would be helpful.

SELECTMAN’S REFERRAL: None.

OLD BUSINESS:

POCD Update – Ms. Parulis reported that the outline is being finalized. The next meeting is scheduled for early October. Unfortunately, the public survey was not put into the summer edition of Westbrook Events. Hopefully, it will be included in the fall edition.

Stormwater Regulations - Ms. Parulis and Tom ODell participated in a webinar on pervious pavements.

GIS – Ms. Parulis reported that the initial glitches have been addressed. Overall, the program has been well received.

Vision Appraisal will provide a website for the up-coming assessments which will link to the town’s site.

NEW BUSINESS: None.

BILLS:

General Accounts

Supplies	\$80.99
Conf. Permeable Pvmt.	\$99.00
Webinar: M. Parulis &T.Odell	
Legal	\$362.50

Mr. Neale made a motion to pay the above bills from General Accounts as presented. Ms. Jones seconded the motion. The motion passed unanimously.

Special Funds

POCD – Planimetrics	\$8,800.00
AH Study – Planimetrics	\$5,000.00
Applied Geographics, Inc.	\$134.16

Mr. Bassett made a motion to pay the above bills from the Special Funds as presented. Mr. Neale seconded the motion. The motion passed unanimously.

MINUTES

Mr. Bassett made a motion to approve the July 26, 2010 meeting minutes. Mr. Neale seconded the motion. The motion passed unanimously.

REPORTS:

Inland Wetlands and Watercourses Commission – Ms. Ketelsen reported that the Commission is in receipt of an application from Water’s Edge proposing a tennis court within 100 ft of wetlands. She stated that they continue to see sheds installed in wetland areas without permits. The Planning Commission briefly discussed the installation of sheds in wetland areas and the use of fines for such infractions.

CRERPA – Mr. Neale reported on the possibility of regionalization of planning agencies. He stated that CRERPA had written to OPM to request that if RPA’s were merged, CRERPA should be merged with Mid State.

Harbor Commission – Ms. Parulis reported that the Harbor Commission is now the Harbor Management Commission. They intend to develop a plan to address to the effectiveness of the encroachment lines north of Rte 1. On 9/24/10, Senator Lieberman’s staff will visit Westbrook to review the recent dredging project and discuss the potential for additional federal funding to complete the dredging.

Town Center Revitalization Committee – Ms. Ozols reported that two additional benches are to arrive and the Adopt a Spot program is going well thanks to the efforts of Libby Waldron and Deb Rie.

CORRESPONDENCE:

Ms. Parulis reported on a memo received from Atty. Wells regarding retention of e-mails. Also, the Commission is no longer required to post meeting minutes on the web; however, they do intend to continue this practice.

ADJOURNMENT

Mr. Neale made a motion to adjourn the meeting at 10:07 p.m. Ms. Ketelsen seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski