

APPROVED

PLANNING COMMISSION
REGULAR MEETING MINUTES
Monday, October 17, 2011
Multimedia Room – Mulvey Municipal Center

Members Present: Marilyn Ozols, Chair; Bill Neale, Vice Chair; Phil Bassett, Sec.; Carole Ketelsen; Marie Farrell (alt.), Robert Furno (alt. seated) and Lisbeth Waldron

Also Present: Meg Parulis, Town Planner; Heidi Wallace, Recording Secretary

Ms. Ozols called the meeting to order at 7:27 p.m.

SUBDIVISIONS:

1. **P2011-01-L Lot Line Revision – 170 Fiske Lane & 200 Fiske Lane – Widlitz Subdivision Lot 1 – Parcel ID 182/205 Isabella Fusillo, Applicant** *Decision by 12/21/11.*

Ms. Ozols announced that this item would be tabled until the next meeting because there are a few more items to be addressed by staff.

TOWN AND GOVERNMENT AGENCY REFERRALS:

1. **Re-Subdivision of Land of Paul J. Vumbaco, Ivoryton – 3 lots.**

Ms. Ozols stated that this subdivision is adjacent to the subdivision recently approved in Westbrook. It includes some of the Open Space required for the lots in Westbrook. The Open Space is contiguous to the Open Space in Westbrook along Trout Brook. The land will be owned by the respective Land Trusts in each town and there will be cross easements over each of the properties. The Commission reviewed the draft response prepared by Ms. Parulis. Ms. Parulis stated that the plan submitted with the referral was slightly different than the plan reviewed by the Commission during the subdivision application review in Westbrook. The changes involve the road and taking the road to the property line. For the referral Ms. Parulis only received the first sheet, so she wasn't certain that the road was going to be constructed at any length; and was recommending that whatever road is built be constructed all the way to the property line to facilitate and encourage a future through-road onto Pond Meadow Road to create an alternate access to the subdivision with a better intersection. Ms. Farrell questioned whether the road was Pond Meadow or East Pond Meadow. Ms. Ketelsen clarified that the road is named East Pond Meadow in Westbrook, and it joins Pond Meadow in Essex. For the sake of clarity, Ms. Parulis will refer to the road as Pond Meadow Road. Robert Doane, P.E., engineer for the project, explained that the intent is to follow the same subdivision that was presented to the Westbrook Planning Commission, and to carry Joseph's Circle to the property line. The only reason that it fell a little bit short is because of the grading for the cul-de-sac. Mr. Doane is providing a 50-foot right-of-way for future connection into the adjoining vacant property. Mr. Doane explained that if he took the cul-de-sac to the property line, he would have to grade on the Makuck property, and did not have the right to do that. The property will be conveyed with the grading rights to the Town. Mr. Doane displayed the "Demonstration Plan Prepared for Paul J. Vumbaco, Toby Hill Road Ivoryton dated 6/2/11, sheet 1 of 3, and "Demonstration Plan Prepared for Paul J. Vumbaco, Toby Hill Road Ivoryton dated 6/2/11, Sheet. 1 of 1. Ms. Ketelsen stated that when the Makuck property is developed, there would be additional traffic on that road, and the exit onto East Pond Meadow Road becomes more important. Ms. Parulis stated that she has had discussions with the Essex Town Planner, who is in agreement about the road connection. Ms. Parulis will modify the letter as discussed. Mr. Neale recommended rewording the 2nd half of the second paragraph.

Mr. Neale made a motion to authorize the Planner to forward the letter to the Essex Planning Commission as drafted with modifications to paragraph 2 to address the fact that the road will not be extended to the property line based on grading issues. The motion was seconded Mr. Bassett and unanimously approved.

SELECTMEN REFERRALS: None

ZONING REFERRALS:

1. **Z2011-08 Duck Island Landing – Special Permit Application for a proposed development of 3 residential apartment buildings with 13 units (32 bedrooms) and associated site improvements on 1.5 acres located on south side of Boston Post Rd. – Pilot’s Point Marina, Applicant – Parcel ID 188/020**
2. **Z2011-09 Marina Way Landing – Special Permit Application for a proposed development of 3 residential apartment buildings with 14 units (33 bedrooms) and associated site improvements on 2.9 acres located on south side of Boston Post Rd. – Pilot’s Point Marina, Applicant – Parcel ID 188/020**

Ms. Ozols recommended addressing both referrals in one discussion. Attorney Brian Dumeer, Matthew White, P.E., and Craig Laliberte, architect for the project, presented the project to the Commission. Attorney Dumeer explained that Duck Island Estates is the 13-unit apartment complex consisting of 32 bedrooms that is closest to the Boston Post Road. The second property is Marina Way Landing which is closer to the water and slightly higher end. It consists of 14 units with a total of 33 bedrooms. The apartments will be accessed via a combined driveway off Boston Post Road. Mr. Dumeer outlined how the projects are consistent with the goals of the Plan of Conservation and Development (POCD). Page 97 of the POCD discusses *encouraging housing diversity*, and the trend in social and economic demographics in Westbrook points to a demand for smaller, less expensive and easier to maintain housing. Some of the units will be smaller and less expensive. The property owners will maintain the grounds. Mr. Dumeer noted that 80% of the homes in Westbrook are single family. The POCD recognizes the need for housing choices that meet the need of those who wish to live in Westbrook. This proposal would provide the residents with a reasonable and affordable option. Mr. Dumeer referenced pg. 40 of the POCD *managing the flood risk*, and stated that the applicant has been extremely proactive in addressing this issue. The projects are not currently located in the flood zone, however new FEMA flood zone maps, that are not yet in effect, indicate a change from elevation 10 to elevation 12, and the applicant has opted to meet the new impending flood zone requirements. The first floor will be located above elevation 12. With regards to *ensuring sensitive site and building design* referenced on pg. 52 of the POCD, the buildings are proposed to be constructed to meet the character and architectural requirements of the Neighborhood Commercial District. Mr. Dumeer stated that storm water best management practices meeting the standards of the Connecticut Stormwater Quality Manual will be used. The development will be served by on-site septic systems that are currently under review by acting sanitarian Dick Leighton.

Craig Laliberte, architect for the project, described the Duck Island Landing units and the Marina Way units as Nantucket in style. There is one handi-cap accessible unit in each complex. There are walk-up stair accesses to the attics in some of the units, and there has been some concern that the attics may be used as bedrooms. The arrangement of mechanical equipment associated with HV/AC units with multiple areas of duct work, along with lower ceiling height will likely prevent that use. There will be 1 ½ feet of exposed foundation. The crawlspace maximum depth will be four feet from the underside of the structure to crawlspace slabs. That is the worst case scenario and it creates a height from the lowest grade to the absolute top of the ridge of 30 ft. 8 1/4 in., so they are well under the height limits that are allowed by Zoning. Mr. Laliberte distributed sample boards of siding. Vinyl siding will be used on all of the units, and some units will have cultured stone facades. Units will be staggered both horizontally and vertically. There will be eyebrow windows in the roof to provide some natural lighting in the attic storage areas. Each unit has its own roof-covered entrance. The siding will be a combination of cedar impressions shake-type and clapboard vinyl siding. The colors for Duck Island Land will be cool grays and warm grays. Marina Way units will be beige. Architectural shingles will be used on the roof in compatible colors.

The buildings in Marina Way are angled so that there are view alleys across the backyards out to the marshes. All of the units have two sets of glass doors on both sides of the fireplace that look out at the marsh. All of the units have a 10’ x 10’ patio surface. There are no decks proposed at this time. Most of the units could meet setback areas with a deck. In the Duck Island site, they would all have to be finished patios. With the finished grade so high, at most there would be two steps from the finished floor to the patio.

Mr. Bassett asked which buildings would be taken down. Attorney Dumeer replied that the garage building will be taken down all the way to the house. Rives Potts, the applicant, explained that there are three existing houses that will also be taken down.

Ms. Ketelsen questioned whether the units would be rentals or condominiums. Mr. Potts answered that they would be rental apartments. Mr. Furno questioned the use of cultured stone as it does not resemble quartz stone and is not used in Westbrook at all. Mr. Laliberte replied that it is a thin set facing. Mr. Furno did not think that it would look good. Mr. Laliberte replied that most of the buildings will have as little as 6" of concrete exposed. They will be setting the frame of the buildings into the foundation so they can bring the grades and the plantings even higher so that they are not revealing a lot of masonry or concrete forms. Mr. Laliberte mentioned that foundation landscaping is proposed as well.

Ms. Ketelsen stated that the buildings looked peculiar with just shutters on one upper window for each unit. Mr. Laliberte responded that this was the bedroom window, and for better symmetry they could consider more shuttered windows.

Mr. Bassett questioned the use of the word affordable when describing some of the units. Mr. Potts explained that the main impetus that drove the project was the desire to create housing for some of his employees to live in. He does not know what the project will cost and how much he will need to charge. After doing some research, Mr. Potts stated he heard that the market rates of apartments range between \$1,000.00 to \$2,000.00 per month. The units closer to the water will be more expensive. He will need to do more research before they determine a rental price.

Ms. Ketelsen questioned whether the apartment residents would have beach rights. Mr. Dumeer replied that they would need to drive around to the Town beach. Ms. Farrell questioned how close the houses were on the abutting properties. Mr. Laliberte pointed to a map showing the Walsh property which is 30 to 40 feet from the property line. The proposed units are 55 to 60 feet from the property line. Ms. Farrell questioned if there would ever be a connector from the units to the marina. Mr. Potts stated that he has not even thought that far ahead. Mr. Dumeer produced a plan to show a future proposed lot line modification of the property. Since the applicant owns all the property between the apartments and the Marina, they could provide access if it makes sense.

Ms. Parulis raised the issue of the proximity of the project fill to the tidal wetlands, and she recommended that the applicant provide an adequate vegetative buffer. The applicant hired Rich Snarski to develop a planting plan. Ms. Parulis emphasized the importance of the follow-up maintenance that is required with this type of plan. Ms. Parulis stated that she is still awaiting the final engineering review. While the stormwater issues have likely been adequately addressed, it remains to be seen whether there are any issues related to the changes in grading. Another issue to be addressed is whether there is any archaeological sensitivity on the site. The State Archaeologist is interested in the area. He may want to do a preliminary survey. Ms. Parulis stated that the Town is looking to establish a bus shelter near Pilot's Point. Mr. Potts expressed interest in collaborating on that project. Ms. Ketelsen inquired whether emergency vehicles are able to turn around in the driveway. Mr. Dumeer explained that there are 24-foot access aisles as required by the Zoning Regulations. Mr. Furno noted that there is no turnaround space for a motor vehicle. He also suggested that the access drive be relocated to the west, across from the New Deal parking lot. Mr. Bassett recommended taking a parking space on one side to designate as a turnaround. Ms. Ozols recommended that the issue be referred to the Fire Marshall and the Fire Chief for comments.

Mr. Neale inquired about the lighting detail. A lighting plan was submitted, and Mr. Laliberte explained that the lights can be shielded to keep 100% of the light on the property. The specifications call for a 15-foot, 150 watt light that is dark-sky friendly.

Ms. Parulis made the Commission aware that there was a Consistency Review checklist guide in their packets so they could go through the items and determine whether this project was consistent with the POCD. She explained that not all of the items would pertain to every project, but the Commission could use it for guidance. Some of the consistencies discussed included: *Support Marinas and Other Water Dependent and Related Activities, Manage Flood Risks, Support Public Transit, Encourage Quality Redevelopment and Development, Address Coastal Housing Issues, and Enhance the Route 1 Corridor*. Ms. Parulis asked the Commission to express their specific concerns so that staff could work with the applicant to satisfy those concerns within the statutory timeframe. Ms. Farrell recommended that the applicant show the Walsh house on the plans.

Mr. Neale stated that he would like to find the proposal consistent at this meeting and Ms. Farrell agreed. Mr. Bassett stated that this project would make Rte. 1 safer as it would eliminate curb cuts. Mr. Neale stated that it

would take the least attractive area in the neighborhood and turn it into the most attractive. The Commission went through the Consistency Review checklist and eliminated those items that did not pertain to the project. Mr. Neale stated that in going through the list, he did not find any contradiction, but rather support for the proposal.

Mr. Neale made a motion that these proposals were consistent with the Plan of Conservation and Development indicating the specific items that were noted but to recommend that they further investigate or address the concerns relating to the:

1. Driveway location.
2. Access for emergency vehicles.
3. The ability for cars to maneuver once they go into the parking lot.
4. The impact on any houses, particularly with lighting.

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

BILLS:

GENERAL ACCOUNTS		SPECIAL FUNDS	
1. Rec. Sec. – H. Wallace	\$117.00	1. POCD – Planimetrics	\$
2. Engr. – Woodard & Curran	\$517.50	2. POCD - printing	\$
3. Legal – Branse, Willis, Knapp	\$643.50	3. Historic Survey	\$
4. GIS – Applied Geographics	\$		
5. Supplies – WB Mason	\$		
6. Hartford Courant	\$		
7. Conferences-The Rockfall Foundation	\$40.00		
8. Dues- APA	\$478.00		

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

MINUTES:

Mr. Neale made a motion to approve the Special Meeting minutes of 9/19/11. The motion was seconded by Mr. Bassett and unanimously approved.

OLD BUSINESS:

1. Proposed Amendments to the Subdivision Regulations concerning Bonding and Off-site Improvements – Sects. 1.5, 2.1.1, 2.11.2, 2.11.4, 2.11.6, 2.11.7, 4.3.7, 4.5.6, 4.5.7, 4.5.4.1 & 4.6 *Public hearing held prior to meeting.*

Mr. Neale made a motion to approve the amendments to the subdivision regulations as presented and set an effective date of November 1, 2011. The motion was second by Ms. Ketelsen and unanimously approved.

2. Plan of Conservation and Development
Ms. Parulis stated that she had nothing new to report and she distributed copies to those Commission members who had not yet received a copy.
3. Historic and Architectural Survey Update
Ms. Parulis will email the survey to the Commission members when it becomes available.

NEW BUSINESS:

1. 2012 Meeting Schedule
Ms. Ozols stated that there will be one correction, to schedule a meeting on Monday November 19, 2012, because November 12th is the observed holiday for Veteran’s Day.

REPORTS:

Inland Wetlands: Inland Wetland Agent, Heidi Wallace, reported that the Lee Company had not yet made application to the IWWC, and that those applications were likely to be filed for the November meeting.

Harbor Management Commission: Ms. Parulis reported that they are looking to get a Harbor Management plan done.

CRERPA: Mr. Neale reported that CRERPA is joining with Midstate RPA and sometime between 6 months and 2 years, CRERPA will cease to exist as it is and the region that Westbrook belongs to will be larger. They are working on establishing a Council of Governments. Ms. Parulis noted that CRERPA had obtained funding to update the Hazard Mitigation Plan for the Region. Ms. Parulis is working with Jay Northrup on the Westbrook section. Adoption of a Hazard Mitigation Plan is necessary to be eligible for Hazard Mitigation Grants.

Town Center Revitalization Committee: Acquisition of the property on the corner of Boston Post Rd. and Westbrook Place was approved at Town Meeting. The attorney is working on getting the closing date settled.

CORRESPONDENCE:

Community and Natural Resource Planning Program brochures were distributed advertising the Fall 2011 Workshop Series in the Connecticut River Estuary.

Ms. Ketelsen made a motion to adjourn the meeting at 9:14 p.m. The motion was seconded by Mr. Neale and unanimously approved.

Respectfully Submitted,

Heidi Wallace, Recording Secretary