

Approved

WESTBROOK PLANNING COMMISSION
REGULAR MEETING MINUTES
Monday, October 18, 2010
Multi-Purpose Room, Mulvey Municipal Center, 866 Boston Post Road

Call to Order

Chairman Ozols called the meeting to order at 7:07 p.m.

A quorum was established with the following Commission members present: Marilyn Ozols, Chairman, Carole Ketelsen, Libby Waldron (alt), Marie Farrell (alt), and Bill Neale. L. Waldron and M. Farrell were seated. 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. 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 applicant is still working on legal documents. She anticipates they will be ready at the next Commission meeting.

- 3. 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.**

Ms. Ozols explained there were a number of open items from the last meeting. Mr. Bob Doane, representing the applicant, stated that additional information was submitted 10 days prior. The documentation included a Waiver Request for the requirement of a Conservation Subdivision, a 200 scale Parcel History Map indicating the free split which created Lot #2, a Zoning Compliance Chart, a revised Coastal Site Plan Application and a copy of the Septic Easement. Mr. Doane explained that the Counsel for the Applicant did not have the Draft Deed prepared at this time. Mr. Doane reiterated that the activities being conducted on the property today will continue. Mr. Doane stated essentially the only change was going to be the change of ownership. Mr. Neale commented it was important to get all of the appropriate references on the plans. Ms. Ozols stated that the action taken by the Planning Commission must take into account potential uses in the future. Mr. Doane responded that the applicant does not intend to build on the property. Mrs. Ketelson asked if the septic system services the restaurant Edd's Place. Mr. Doane said no. Mrs. Ketelson also asked if the owners of the parking lot own the parcel formerly known as Jenn's Jetty. Mr. Doane replied that the applicant intends to acquire the Jenn's Jetty property and wishes to own the parking lot and septic system shown as proposed Lot #1B. Ms. Ozols recommended that the Commission vote on the waivers because there may not be enough members at the next meeting to vote. Waivers must be approved by a $\frac{3}{4}$ vote of all members. Ms. Farrell asked if the commission can define the use of the lot. Ms. Ozols stated that the Commission cannot define the use of the lot but can clarify the types of uses that would not be suitable.

Mr. Neale made the following motion with regard to the above application, seconded by Ms. Waldron:

In accordance with Section 1.1.1 of the Westbrook Subdivision Regulations, the Planning Commission hereby grants waivers of the following subdivision regulations requested in conjunction with the application of Seaside, LLC for a two (2) lot subdivision located at 478 Boston Post Road:

Section 4.2.1 1) Minimum Area of Buildable Land – This waiver is granted subject to the provision that no new buildings be constructed on Lot 1B. The Commission finds that this condition is necessary for compliance with Sect. 1.1.1 and integral to the granting of the waiver in the sense that, but for this condition, the waiver would have been denied. This condition shall be noted in 14 point type on the final subdivision plan prior to endorsement.

Section 9.12.00 of the Zoning Regulations requiring Conservation Subdivision – This waiver is granted upon finding that the objectives of a Conservation Subdivision as outlined in Sect. 9.12.06 and Sect. 9.12.08 cannot be achieved due to the existing developed conditions of the site.

These waivers are granted for the reasons cited and upon finding that the conditions are peculiar to this parcel and not generally applicable to other parcels and that the granting of these waivers does not have a significant adverse impact on adjacent property or on public health and/or safety and does not significantly violate the Master Plan of Development.

The motion was unanimously approved.

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. At the previous meeting, the Commission asked for additional information on the traffic impact of changing this property to a Light Industrial Zone. Mr. White presented a map and a summary of the breakdown of the Lee Company employee’s arrivals and departures. He indicated the area proposed for change is more buffered from the neighbors than the existing Light Industrial Zone and pointed out the limitations of use because of septic systems, wetlands and steep grades. Ms. Ozols commented that a zone change is forever and options should be explored for the possible future expansion, more employees and /or a new owner. Ms. Ketelsen pointed out that a portion of the proposed zone change has a large area of steep slopes. Matt White again pointed out that the corner that is able to be developed is buffered from the neighbors. Ms. Ozols stated that the Lee Company has done what the Commission asked for but the applicant needs to be aware that future development may necessitate further traffic review. Also, not every use permitted in the Light Industrial Zone, would be appropriate for this site. She noted that any proposal for expansion of the existing use or change to a new use would require a Special Permit. Mr. White acknowledged that a detailed traffic review would be conducted as part of any application for a Special Permit.

Ms. Ozols made a motion; seconded by Ms. Farrell, to find the above application NOT INCONSISTENT with Plan of Conservation and Development with recognition, because of traffic impact, in the future not every use allowed in the district would be appropriate. The Town Planner is directed to prepare a letter to the Zoning Commission elaborating on the reasons for this finding.

The motion was unanimously approved.

SELECTMAN'S REFERRAL: None

OLD BUSINESS:

1. POCD Update – Ms. Parulis reported that the consultant is drafting the plan and it will most likely be ready around the first of the new year.
2. Stormwater Regulations - Ms. Parulis reported she would schedule a time when Wendy Coffin, the Town Engineer, could be at a meeting to present the draft of the Stormwater Regulations.

NEW BUSINESS:

1. Draft RFP for Historic and Architectural Resource Survey- Ms. Parulis reported that the survey is to research what the town can do to protect our historic resources and that the grant is to hire a historian to document old buildings in the format for designation on the Historic Register, to aid in deciding future options which might include a historic district, and identify resources so when a plan comes in we know if there are sensitive resources in that location.

A motion was made by Mr. Neale, seconded by Ms. Waldron to authorize the Planner to proceed with publishing the RFQ for the Historical and Architectural Resource Survey funded by the CT Commission of Cultural Tourism Grant. The motion was unanimously approved.

2. Annual Report - Ms. Farrell suggested that stronger emphasis be placed on the public workshop mentioned in the last sentence. She felt it was important to reflect the fact that opportunities were provided for public input as part of the process of updating the POCD.

BILLS:

GENERAL ACCOUNTS		SPECIAL FUNDS	
1. PC Rec. Sec. – S. Helchowski	\$100.00	1. POCD – Planimetrics	\$2200.00
2. POCD Rec. Sec. – N. Rudek	\$ 85.50	2. AH Study - Planimetrics	\$.00
3. Engr. – Woodard & Curran	\$		
4. Legal – Branse, Willis, Knapp	\$435.00	3. Applied Geographics, Inc.	\$
5. Supplies – W.B. Mason	\$222.10		
6. Hartford Courant - Vumbaco	\$71.28		
7. Conf. – Rockfall Symposium	\$50.00		
8. Dues – APA, CCAPA, AICP	\$434.00		
9. GIS – Applied Geographics	\$1,690.64	(2 check requests)	

Ms. Ketelsen made a motion, seconded by Mr. Neale to approve payment of above bills listed under General Accounts. The motion was unanimously approved.

Mr. Neale made a motion, seconded by Ms. Farrell to approve payment of the above bills listed under Special Funds.

The meeting recessed for the public hearing at 8:04 and reconvened at 8:54 p.m.

Relative to item 1 on the agenda, Ms. Parulis was directed to prepare a draft motion itemizing conditions of approval based on the items in the record and discussed at the hearing for the next meeting for possible action. The Commission must render a decision by Dec. 22.

MINUTES

Ms. Farrell made a motion, seconded by Mr. Neale to approve the public hearing minutes of Sept. 13, 2010 with the following correction: Add "Mr. Doane stated" at the beginning of the 4th paragraph on the first page. The motion was unanimously approved.

Ms. Farrell made a motion, seconded by Mr. Neale to approve the regular meeting minutes of Sept. 13, 2010. The motion was unanimously approved.

REPORTS:

Inland Wetlands and Watercourses Commission – Ms. Ketelsen reported that the Wetlands Commission has a problem with sheds being placed in or adjacent to Wetlands without a permit. People think they can go to the local dealer and purchase a shed to be placed anywhere on their property without permits or regard for any wetland areas. Chairman Stein spoke to the salesperson at the local shed business about this. One homeowner found to be in violation is moving his shed. Ms. Ketelsen also reported about a violator who continues to fill in wetland areas, redirects water courses and builds without permits on Pettipaug Rd. There was a site walk of this property last week.

CRERPA – Mr. Neale reported on the possibility of combining regional 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 Management Commission is looking at alternate ways to regulate docks. The concern is north of Rte. 1. Ms. Farrell commented that there should be consistency as to where the docks can be located and exceptions with process. She expressed concerns with the \$100,000 cost for the survey and whether the amount of homes warrants spending that amount. Ms. Ozols stated that she hoped they would not just look at the price. It was suggested that the Town Planner contact Torrance Downes at CRERPA regarding a dock study he conducted on the CT River.

Town Center Revitalization Committee – Ms. Ozols reported that the bases for the two new benches on order have been installed. Delivery is expected any day. She announced that the Town had received a Small Town Economic Assistance Program (STEAP) grant in the amount of \$250,000 to purchase the property located at 1224 Boston Post Rd. & 2 Westbrook Place to build a parking lot. Sixteen to eighteen spaces are proposed. Soil testing will be done to see if the property can support a septic system. Comments were made about using the space for public gatherings and possibly building a stone wall for people to sit on. The TCRC applied for this grant as the first phase of a multi-phase project with the hope that they will continue to be funded through this program. An appraisal was done on the property. The grant is large enough to purchase the land but a final price has yet to be negotiated.

CORRESPONDENCE:

Ms. Ozols informed Commission members that the next Land Use Academy class is Saturday November 20, 2010 at CCSU in New Britain.

ADJOURNMENT

Ms. Farrell made a motion to adjourn at 9:10 p.m. seconded by Mr. Neale. The motion was unanimously approved.

Respectfully Submitted,
Lisa DeMaria