

WESTBROOK PLANNING COMMISSION  
PUBLIC HEARING  
Monday, December 13, 2010

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

Call to Order

Chairman Ozols opened the public hearing at 8:00 p.m.

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

Also present was Meg Parulis, Town Planner, Nancy Rudek, Zoning Official and Wendy Coffin, Town Engineering Consultant.

**1. 2010-003-P-R – Application of Michele Morin and the Town of Westbrook for a Re-Subdivision/Lot Line Revision involving a proposed land swap of .02 acres between property located at 497 Toby Hill Rand and land designated as Open Space for the Stannard Woods Subdivision, Assessor’s Map 137, Lot 3 and Map 148, Lot 7.**

Mr. Bob Doane, on behalf of Michele Morin, reported that when the lot was developed as part of Phase IV of the Toby Hill Associates Subdivision, the septic tank was installed within 10 ft. of the property line. Options to remedy the situation included relocation of the tank or a change in the property lines. Due to ledge issues on the site, it was his opinion that it was not prudent to relocate the tank. After consultation with the State Dept. of Health, the Sanitarian and the Town Planner, the “land swap” was determined to be the most reasonable solution. He added that, by definition, this was a resubdivision because it involved Open Space.

Mr. Doane explained that the “land swap” involves a small portion of the Open Space abutting the property. The plan is to convey an 850 sq. ft. area to the town in exchange for the equivalent amount of land needed to provide an adequate setback to the tank. The proposal presented will bring the property into compliance with the current Health Code.

Mr. Doane submitted Certificates of Mailing to the adjoining property owners as Exhibit A.

Ms. Parulis reported that Exhibits submitted to date included the following:

Legal Ad published on 12/2/10 and 12/9/10

Application No. 2010-003-P-R dated 11/23/10

Plans: Key Map Resubdivision Adjoiner & Conveyance Exhibit Prepared for Michelle M Daly #497 Toby Hill Road, Westbrook, CT dated 11/22/10 revised through 12/8/10 prepared by Doane-Collins Engineering sht. no. 1 of 1

Record Plan Resubdivision Land Conveyance Exhibit Prepared for Michelle M Daly #497 Toby Hill Road, Westbrook, CT dated 11/22/10 revised through 12/8/10 prepared by Doane-Collins Engineering sht. no. 1 of 1

Draft Legal Documents

Letter from Sanitarian

Mr. Furno expressed concern that while the “swap” proposes equal property, the town will lose a portion of the stone wall. He recommended that the Commission request that the stone wall be moved along the new property line. Mr. Doane responded that the condition of the wall was not aesthetically pleasing and moving the wall would not be beneficial. He submitted a copy of the Summary Assessor Card which had a photo showing a portion of the stone wall in question as Exhibit B. He also noted that trees would need to be cut down to relocate the wall and it would look unnatural.

Ms. Parulis concurred and added that there is not much of a wall in the area.

Ms. Ketelsen questioned how the tank was placed improperly when the home was built. Mr. Doane responded that the site plan showed the house in a different location. During construction, ledge was discovered and the house placement was changed. The tank was subsequently placed improperly. However, the Town did issue a CO without the Certificate of Discharge. The current property owner uncovered the error in her attempt to sell the property.

Ms. Ozols added that upon completion of the home, the CO was not originally issued because of this situation. However, several personnel changes at the Town Hall ultimately allowed the CO to be issued without the Permit to Discharge.

Ms. Ozols asked if the Commission members had any more questions of the applicant. Hearing none, she asked if there was anyone in the audience wishing to speak in favor or in opposition to the proposal or to ask a question.

Mr. Dave Perreguex – 220 Fairview Rd. spoke in favor of the proposal. He commented that since the CO was issued erroneously by the Town, the Town could ultimately be held liable for damages. The proposal presented appears to resolve the issue appropriately.

Ms. Parulis reported that the easement proposed at the last meeting was not acceptable to the Dept. of Public Health. This “swap” seems to be the most prudent solution to all parties. It presents no impact to Open Space and has no adverse impact to the Town.

The Public Hearing was closed at 8:20 p.m.

Respectfully Submitted,

Suzanne Helchowski