

**ZONING COMMISSION REGULAR MEETING MINUTES
SEPTEMBER 27, 2016
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Mike Engels, Regular Member Lee Archer, Regular Member Dwayne Xenelis, Alternate Member Tom D’Antico and ZEO Nancy Rudek.

CALL TO ORDER: The meeting was called to order by Chairman Tony Marino at 7:00 p.m.

ESTABLISHMENT OF QUORUM:

All Regular Members are present.

AGENDA ADDITIONS:

None.

Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to handle “Receipt of Applications” next.

RECEIPT OF APPLICATIONS:

1. **ZC2016-011 – 174 Boston Post Road – ID#187/152 - Site Plan Application for a Barbershop/Retail business re-location. Parcel applicant: Jennifer Scott; Owner: Al Redway. (65-day application period ends 12/1/16):**

There was discussion that a use variance may be needed for this application.

Upon a motion by Harry Ruppenicker Jr, seconded by Lee Archer, it was:

VOTED: Unanimously to receive Application ZC2016-011.

Regular Member Dwayne Xenelis recused himself from this application.

Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:

VOTED: Unanimously to appoint Tom D’Antico as a voting member sitting for Dwayne Xenelis.

2. **ZC2016-012 – 250 Flat Rock Place (Middlesex) – Minor Modification of existing Special Permit of ZC2014-24M, now to allow an 800 s.f. addition to the existing 3,050 s.f. addition. (65-day application period ends 12/1/16):**

It was stated that applicant is requesting to change the amount of square footage of the already approved addition from 3,050 square feet to 3,850 square feet. This technically will require an additional 3 parking spaces, but they still have all the reserved parking available that has not been necessary.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to approve Application ZC2016-012, 250 Flat Rock Place as presented.

Regular member Dwayne Xenelis returned to the meeting and Tom D'Antico stepped down as a voting member.

PUBLIC HEARING(S):

Upon a motion by Lee Archer, seconded by Mike Engels, it was:

VOTED: Unanimously to recess the Regular Meeting portion of the meeting and open the Public Hearing portion of the meeting at 7:07 p.m.

1. ZC2016-009 – 11 & 13 Meadowbrook Road Ext. – Continued Public Hearing on application for a proposed Zone Map Change on Parcel #'s 126 & 127 of Assessor's Map #184, from MDR (Medium Density Residential District) to PRDD (Planned Residential Development District). Property owner/Applicant: Robert G. Furno, AIA & Bumlingen, LLC (35-day public hearing period ends 9/27/16):

Attorney Ed Cassella and Engineer Bob Doane were present as well as applicant Robert Furno. Attorney Cassella submitted an updated "Proposed Standards". He stated that there were 3 changes made due to the Planning Commission's recommendations in a letter dated 9/19/16. Under Design Objectives they added "Accessory buildings shall be compatible in scale and design with principal buildings" and "New units being developed shall include a first floor master bedroom and facilities". They also added a first floor master bedroom with facilities, as recommended. Also submitted was "Zoning Referrals – Item 2" which was supplied to the applicant by Town Planner Meg Parulis. The traffic generation information was gone over. It was stated that currently there are no parking restrictions on Meadowbrook Road, but vehicles from this development will not park there because there is ample parking on site. It was stated by a Commission Member that they are concerned because Meadowbrook Road is only 20' wide. Bob Doane stated that this has never been a concern for other applications. Harry Ruppenicker Jr. stated that we are talking about a zone change and the applicant needs the availability of "highways". Chairman Marino stated, again, the standards that need to be met in order to qualify for a zone change to PRDD and doesn't feel that these standards have been met because there is no public water available either. He also stated that the only house that doesn't fit into the neighborhood right now is the Furno house. He feels that the architectural design of the project doesn't fit the neighborhood. Attorney Cassella stated that the architectural design of the project should be part of Phase 2 because at this time, the design is only conceptual and feels that some of the comments being made don't relate to the zone change. It was stated that the applicant is more than willing to conserve 50% of the land. It was also stated that the units will sell from anywhere from \$300,000 to \$500,000. These units will not compete with the current homes in the neighborhood so it will not decrease the property values in the area. As far as the traffic is concerned, it will be the lowest with this proposal. A regular sub-division will cause more traffic than this one will. Attorney Cassella further stated that the town can regulate a "No Parking" area on Meadowbrook Road if they feel it is necessary. Harry Ruppenicker Jr. stated that a PRDD requires access to highways, not a dead end road. He feels that this application does not fill the standards of a PRDD.

Chairman Marino read the following communications into the record:

1. Planning Commission letter dated 9/19/16
2. Town Planner information submitted – Zoning Referrals – Item 2
3. Acting Fire Marshal letter dated 7/28/16

Engineer Bob Doane discussed the proposed water supply, which is a community well and compared it to what was approved for the development off of Route 153. He went over the daily usage of water for each unit and stated that they have back-up material that proves that 1 well can handle the daily usage of water for the units proposed. Mr. Doane also went over all of the traffic study information that was submitted. It was stated that the information regarding fire protection has to be clarified. There would be a water tank located near the entrance to the development, which will also benefit the rest of the neighborhood.

Property Owner Robert Furno stated that he wants to preserve the property along the Patchaug River as open space and will create a 50' set-back. This will be able to be accomplished by proposing what he has. This will save a lot of trees and a vegetative buffer will be developed to block the view of the development from the neighborhood. You will not be able to see the garage doors so it will look like an English village. His home has won awards for the architecture. There will be 16 garage spaces and a courtyard carriage house for 12 additional cars. Chairman Marino asked how property owners will unload items from their vehicles if they have to park in the garages instead of in front of their unit. Mr. Furno stated that there will be robo carts to carry groceries and such from the garage to the front doors of the units. Mr. Furno went over the materials that he will be proposing to use for the units. ZEO Nancy Rudek asked if emergency vehicles will be able to enter the development if cars are parked in the courtyard. Again, Attorney Cassella stated that this will be addressed in Phase 2. Engineer Doane stated that they want to keep the amount of impervious surface to as little as possible, but yes, there will be enough room for emergency vehicles to get around parked vehicles. The roadways will be "one-way" inside the development. They will develop interior fire lanes if it is necessary.

At this time, Chairman Marino opened the floor to the Public to speak for or against the application and to ask questions. The following members of the public spoke:

1. Mary Beth Butler – 12 Meadowbrook Road Extension: Submitted a protest petition that is signed by 20% of property owners within 500' of the Furno property.
2. John Rie – Member of the Conservation Commission requested that the letter submitted by them be read for the record.
Chairman Marino stated that it will be read.
3. Bruce Lawrence – Eckford Avenue: Asked questions regarding the water calculation the water depth for reserve. Engineer Doane stated that the yield is based on continued pumping and gave the depths of the well testings.
4. Lester Scott – MacDonald Drive: Stated that he feels that the road/driveway of the project will need to be altered in order to handle a 75' aerial truck. Engineer Bob Doane stated that there will be gravel with 2" of top soil which the trucks can drive on. Mr. Scott stated that the Fire Department requires pavement. He further asked who will be maintaining the water tank discussed earlier. Mr. Doane stated that contrary to what the acting Fire Marshal has stated, the same thing was approved and built at the 1961 Boston Post Road development. Mr. Scott stated that the approval needs to be from the Fire Chief, not the Fire Marshal.
5. Deborah Rie – 1 Lookout Road: Stated that 7 of the units will actually be visible from Boston Post Road and asked how long the façade of the units will be. Mr. Furno stated that the units will be one story high with 2 of the units having a 2nd floor master suite and it would be approximately 175' long.

6. Evelyn Harris – 58 Meadowbrook Road: Asked where the visitors parking will be. Mr. Furno showed where there will be 7 spaces available for visitors. It was stated that the entry to the project is 22' wide and will be one-way, so there is plenty of room for parking.
7. Amelia Dupre – Meadowbrook Road: Stated she is very concerned about the increase in traffic and the current width of Meadowbrook Road. She feels there will be a huge problem with large vehicles (garbage trucks, oil delivery trucks etc.) because they already have problems now. If Meadowbrook Road has to be widened, then this will be taking more property from the current property owners.
8. Chris from Meadowbrook Road: Stated that he doesn't feel fire trucks will be able to make it into this development
9. Attorney Bill Butler (represents residents of the area): Stated that he does not feel this proposal is consistent with the neighborhood and the POCD. He feels that this proposal will affect every property owner's values.

Chairman Marino read the Conservation Commission letter dated 9/21/16 into the record.

Dwayne Xenelis asked if it was explained to the public what happens next if this application is approved. Chairman Marino stated that if this application is approved then the property owner would come forward with another application for a special permit with a full set of development drawings, which would go to another public hearing. Mr. Xenelis stated that the Commission wants to do the right thing in compliance with the Zoning Regulations. We need to look at what the alternatives are. It was asked what the protest petition means. It was stated that if it is verified to be a legal petition, then it changes the calculation of the "aye" votes. Instead of 50% of the vote to be "ayes" it would have to be 75%. It still needs to be verified that the signatures on the petition are current property owners within 500' and it adds up to 20%.

Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:

VOTED: Unanimously to close the Public Hearing on Application ZC2016-009.

Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to recess for 5 minutes at 8:25 p.m.

The Public Hearing portion of the meeting re-convened at 8:34 p.m.

2. **ZC2016-010 – 20 Westbrook Place – Parcel ID#177/006 – Public Hearing on a Special Permit Application for a Wellness Center providing personal services for employees of the Gowrie Company and membership club for non-Gowrie employees. Applicant/Owner; CMS Real Estate LLC, Agent: Attorney Ed Cassella. (35-day public hearing period ends 11/1/16):**

Attorney Ed Cassella and Engineer Joe Wren were present, as well as the applicants Carter Gowrie and Skip Young. Attorney Cassella stated that the applicant is a national insurance company with its headquarters located here in Westbrook and they own property at 70 Essex Road, 36 Westbrook Place and 20 Westbrook Place. Attorney Cassella stated that there are 3 changes from the last proposal: There is now sufficient parking within 500' of the 3 parcels that they own; they have opened the membership style to allow the public to use the facility at specific times and they are now in compatibility with the public health code for using the current septic system. A parking

plan was submitted, as well as a Statement of Use dated 8/22/16. They went before the Planning Commission on September 12, 2016 and the Commission voted 5-0 in favor of the application. Chairman Marino read the Planning Commission letter dated 9/19/16 for the record. The applicant will provide an easement to the Town at 20 Westbrook Place if the application is approved. The applicant feels that they have met all the criteria for the Special Permit and they feel that there is no negative impact on the area. Engineering Joe Wren stated that they surveyed 70 Essex Road and 20 Westbrook Place and it shows that with the addition of 36 Westbrook Place, there is adequate parking available. They currently have 122 parking spaces available and only 121 is required. Mr. Wren went over the use of the current septic which is a 3000/3500 gallon tank, which is actually oversized for their needs. Compared to other facilities, including the High School, there will be less use at this location because of the limited amount of participants at the same time.

At this time, Chairman Marino opened the floor to the public to speak for or against the application or to ask questions. The following members of the public spoke:

1. Bruce Lawrence stated that he is in favor of the application.
2. Jim Crawford of the Economic Development Commission stated that they have an active interest of what is going on down town and we really don't want dead space. There have been successful businesses in this building throughout the years and feels this proposal will be a very positive step. They feel that the building needs to continue to be occupied.
3. Darlene Briggs – Chamber of Commerce: Stated that she is in favor of this application.
4. Shanna Schiesser – Gowrie Employee: Stated that she feels that Westbrook is a great town and as a Gowrie Employee, she would love to partake in something like this. She feels that the other merchants in town will benefit from this.

Upon a motion by Harry Ruppenicker Jr., seconded by Mike Engels, it was:

VOTED: Unanimously to close the Public Hearing for Application ZC2016-010.

Upon a motion by Lee Archer, seconded by Mike Engels, it was:

VOTED: Unanimously to close the public hearing portion of the meeting at 8:55 p.m.

REGULAR MEETING:

Possible deliberation and vote of Applications ZC2016-009 and ZC2016-010:

ZC2016-009 – 11 & 13 Meadowbrook Road: Upon a motion by Mike Engels, seconded by Lee Archer, it was:

VOTED: Unanimously to table the vote on Application ZC2016-009.

ZC2016-010 – 20 Westbrook Place: Upon a motion by Lee Archer, seconded by Mike Engels, it was:

VOTED: Unanimously to approve Application ZC2016-010 for Special Permit for a Change in Use from retail to a Wellness/Fitness Center providing personal services to employees of the Gowrie Group and limited membership (by reservation only) for non-Gowrie employees, located at 20 Westbrook Place, in accordance with the plans and documents submitted with the Application, as amended, and together with the conditions set forth herein based on the following findings:

1. The proposed use of the subject site is consistent with the POCD and the Commission concurs with the Westbrook Planning Commission findings and decision dated May 19, 2016.
2. The location, type, character and size of the use and buildings proposed are in harmony with the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.
3. The proposed use will not depreciate adjacent property values and the size and the extent of all proposed site improvements are in harmony with the existing character of the neighborhood.
4. The nature and location of the proposed use and of the buildings and structures in connection with the use are adequate for access to it for fire protection, police protection and other emergency equipment.
5. Adequate provision has been made for entering and leaving the site in such a manner that no undue hazard to traffic or undue traffic congestion will be created subject to the granting of a public access easement to the Town of Westbrook for the purposes of establishing shared access and parking as recommended by the Planning Commission in their letter dated September 19, 2016. Off-site parking has been provided at 70 Essex Road (10 spaces) and 36 Westbrook Place (3 spaces) in conformance with Section 10.01.01. 4 of the 17 parking spaces required are located on site.
6. The proposed use will not negatively affect existing or future public drinking supply sources.
7. Due to the nature of the adjacent uses, there is no need for landscaped buffers to the adjoining property.
8. The proposal does not result in an increase in the amount of impervious surface and is therefore not subject to the Stormwater Management requirements. The adequacy of the existing on-site septic system to serve the proposed change in use is the purview of the health Department and shall be determined through submission and approval of B-100a Application in accordance with CT Public Health Code.
9. The proposed use and the arrangements of all proposed buildings, structures, facilities and other site improvements are in compliance with all applicable provision of the Zoning Regulations subject to the following conditions of approval:
 - a. The Applicant shall grant an easement to the Town of Westbrook, in a form acceptable to the Commission's Attorney, for the purposes of public parking and access, which easement shall encumber the subject property, 20 Westbrook Place. Such easement shall be consistent with the plans currently being utilized in the Town Center Vision Plan. The easement shall provide that within five (5) years of the granting of the certificate of occupancy for this use, the easement shall expire: 1) if the Town has not secured funding and commenced construction on the planned public access driveways and shared parking; and 2) if the Zoning Regulations have not been amended to reduce parking requirements or provide "parking credits" for the subject property due to the availability of shared parking facilities.
 - b. The Applicant agrees that this personal service use shall include the offering of limited membership to the public in addition to use by employees of Gowrie Group and its affiliates, which employees work at 36 Westbrook Place or 70 Essex Road.
 - c. The Statement of Use shall be modified to specify that this is a "reservation only" facility.

NEW BUSINESS: None.

OLD BUSINESS: None.

MISCELLANEOUS:

1. Commission Meeting Schedule 2017:

Upon a motion by Mike Engels, seconded by Lee Archer, it was:

VOTED: Unanimously to approve the 2017 Meeting Schedule as present.

COMMISSION BUSINESS:

1. ZEO Report:

The ZEO report was distributed and discussed.

2. Bills:

The following bills were paid out of the Operating Budget:

Branse & Willis, LLC: \$203.50 (General Legal Inv #41493)

Recording Secretarial Services: \$112.55 (K. Kelemen, Meeting Minutes 8/23/16)

Hartford Courant: \$118.11 (Legal Ads published 8/2/16, 8/9/16, 8/16/16)

APPROVAL OF MINUTES:

Regular Meeting – August 23, 2016:

Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:

VOTED: Unanimously to approve the minutes of the Regular Meeting of August 23, 2016, as distributed

ADJOURNMENT:

Upon a motion by Lee Archer, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to adjourn at 9:05 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary