

**ZONING COMMISSION REGULAR MEETING MINUTES**  
**October 23, 2012**  
**7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Dwayne Xenelis, Alternate Member Mike Engels, Alternate Member Linda Nolf 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:** Chairman Marino seated Alternate Linda Nolf as a voting member sitting for Tom Belval.

**AGENDA ADDITIONS:** None.

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

**VOTED:** Unanimously to recess the Regular Meeting and open the Public Hearing.

**PUBLIC HEARINGS:**

**Z2012-025 – 2000 Boston Post Road (Vintage Motorcars), Public Hearing on a Petition to amend the Zoning Map to change the zone of a rear portion (.42 acre) of the lot from the current Medium Density Residential (MDR) District to the Neighborhood Commercial District (NCD), which would place the entire parcel in the NCD Zone; Owner/Applicant: Westbrook Holdings, LLC.:**

Chairman Marino started the hearing with the description of the project, which is an application to amend the Zoning Map at 2000 Boston Post Road. The owner/applicant, Mr. Richard Willard approached the Commission, explaining his proposal to move the current zone line that splits the lot. The rear portion of the lot (.42 acre) is presently under the MDR (Medium Density Residential) District. The front portion of the lot is presently in the NCD (Neighborhood Commercial District). Mr. Willard noted that during previous meetings with the Town Planner and ZEO, it was the town's intention to pursue moving the current NCD Zone line to meet the property lines. This would allow commercial and residential uses. ZEO Nancy Rudek affirmed that it was probable that the re-zoning would occur for the NCD Zone along Route 1, but there wasn't a timeframe as yet. Mr. Willard also noted that his future proposal to expand his existing commercial business wouldn't be possible with the current split zone. Mr. Willard provided a brief explanation as to what he is proposing on his property in the near future and that any proposal on the property will need Inland Wetland review.

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

**VOTED:** Unanimously to close the Public Hearing on Application Z2012-025.

The Commission reviewed the plan for Application #Z2012-025 showing the amendment and the Zoning Map.

Upon a motion by Lee Archer, seconded by Linda Nolf, it was:

**VOTED:** Unanimously to approve Application Z2012-025 as presented.

Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:  
**VOTED:** Unanimously to return to the Regular Meeting.

**NEW BUSINESS:** None

**RECEIPT OF APPLICATIONS:**

Commission Members Tony Marino and Dwayne Xenelis recused themselves from this application. Vice Chairman Harry Ruppenicker, Jr. chaired this application and seated Mike Engels for Dwayne Xenelis.

**Z2012-011M – 250 Flat Rock Place (Middlesex Hospital)** – Attorney Ed Cassella, representing the applicant, addressed the Zoning Commission with the proposal to modify the Special Permit for the Shoreline Clinic. He further explained that the original approval in August 2012 was for Phase I, and that approval had included stormwater, lighting, landscaping and parking for a full build-out. This request for a Modification is being made under Section 7.60.00, based on meeting the criteria that would allow for a waiver of the Referral to Planning and the public hearing. The modification request is to build the 21,628 sq. ft. shell of the second story. The building of the second story shell during the construction of Phase I would be beneficial to the Hospital, such that equipment would already be on the site. There would be less interruptions at the time of the interior completion of the second floor. The shell would be left unfinished, and at such time that they seek a Building Permit to complete the inside of the shell for offices, the reserved parking would be required or the owner would have to seek another modification to the approval. A letter, dated 10/19/22, from the Town Planner was cited. Based on the proposal, there was no objection from the Planning Commission to waive the Referral. Also noted in the Town Planner's letter and by the ZEO, was the discrepancy in the number of parking spaces to be constructed and to be held in reserve.

The ZEO and Commission reviewed the Modified Certificate of Decision to finalize the number of parking spaces and conditions for the proposed Phase II modification. This was confirmed with Steve Doherty of SLAM, who was present at the meeting.

The Certificate of Decision shall be modified with the following parking calculations: The total parking spaces required for Phase I are 219. The total number of spaces required for full build-out is 299. The plan provides 301 spaces. The number of spaces to be constructed during the Phase I and shell of Phase II will be 200, with a total of 101 to be held in reserve. It was determined that the discrepancy in numbers is due to the configuration of parking lot and parking space changes for Phase I and Phase II.

Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:  
**VOTED:** Unanimously to approve the Modification to the Special Permit for Phase II of the Hospital involving the construction of the 21,628 square foot second story shell (to remain

**RECEIPT OF APPLICATIONS** – Cont'd

vacant), subject to the original conditions and amendments on the Decision as submitted. And, prior to the issuance of a Building Permit to complete the second story space, the applicant must construct 81 parking spaces as originally approved, or seek additional modifications to the Special Permit. Final Revised plans in mylar form and the final Certificate of Decision must be completed and Recorded on the Land Records.

Commission Members Tony Marino and Dwayne Xenelis returned to their voting positions on the Commission.

**Z2012-026 – 158 Captain's Drive** – There was no representation for this application due to it being for receipt at this meeting. This is a Coastal Site Plan and it was sent to the DEEP-OLISP for their review comments. It was also sent to Geoff Jacobson for a flood review. The proposal involves the demolition of an existing house in a flood hazard area and reconstruction of a smaller new residential structure. As proposed, the structure meets the Zoning requirements. The ZEO reported that there was a site meeting with Mary-beth Hart from DEEP and the design engineer. It is anticipated that comments will be available for the November 27, 2012 meeting.

Upon a motion by Harry Ruppenicker, Jr., seconded by Dwayne Xenelis, it was:

**VOTED:** Unanimously to accept receipt of the Coastal Area Management Application.

**OLD BUSINESS:**

**Z0908Mb – 1525 Boston Post Road (The Villa's at Water's Edge)**. The applicant's representative, Claudio Marasco, provided an overview to the Commission. This application is a request for a Permit Modification to allow amendments to the original approval on 9/22/09 for the Villa Building. Mr. Marasco explained that this application was continued from the August meeting, pending a decision by ZBA regarding their conditions on the Emergency Access Road. He further added that after review by the Fire Marshal, the ZBA granted the variance on 9/26/12 to remove the conditions. This was based on a report by Clarence Welti for construction requirements to assure that the access road is stable for emergency vehicles. There was discussion between the Commission members and applicants regarding the Fire-safety requirements for the access road, as per the Clarence Welti report dated 9/20/12. Other conditions on the access road were associated with the former Kessler property, such as specific signage, pedestrian travel ways with retaining walls and fencing. The former Kessler property has been purchased by Michael Dattillo, who is not requesting those special conditions on the access way. The two parking spaces at the end of the access drive on Second Avenue will remain. Mr. Marasco noted that those spaces have been leveled and graded. Mr. Al Wolfgram, P.E., design engineer for this application, presented the other modifications to the site, as per the submitted plans. The summary of the proposed changes were submitted in writing by the ZEO to the Commission and applicants. The alternative sidewalk location was discussed, along with the relocated entrance of the parking lot to Ripley Hill Road. The landscaping between the Villa

**OLD BUSINESS** – Cont'd.

Building and 99 Knothe Road is revised. A gate will be installed at the entrance of the emergency access drive, with two chain locks, one of which is for the Fire Department's entry. The Certificate of Decision was drafted with amendments. The Commission reviewed the amendments and added additional language to Condition *d.* regarding the gate details and to *e.* regarding signage for the access drive to be in reserve until such time the Right of Way is used for vehicular traffic. Mr. Wolfgram noted that a bond has been submitted for the sidewalk. The Commission concurred that the sidewalk must be installed within a year from the date of the Zoning Compliance. The Decision will be modified to include that requirement.

Upon a motion by Harry Ruppenicker, Jr., seconded by Dwayne Xenelis, it was:  
**VOTED:** to approve the Special Permit Modification (Z0908Mb) under Section 7.60.00 of the Zoning Regulations, subject to the amendments on the Decision and additional modified language noted by the Zoning Commission at this meeting.

**MISCELLANEOUS:** None.

**COMMISSION BUSINESS MEETING:**

**ZEO Report:** Distributed and discussed.

**BILLS:** The following bills were paid out of the Zoning Commission Regular Budget:

Branse, Willis & Knapp: <b><u>\$396.00</u></b>	(General Legal Invoice #31145,31147,31148)
Recording Secretarial Services <b><u>\$90.20</u></b>	(K. Kelemen, September 25, Minutes)
Hartford Courant: <b><u>\$166.32</u></b>	(Legal Notices – September 2012)
CCM Convention on 10-23-2012 <b><u>\$60.00</u></b>	(ZEO attendance @ CCM Annual Convention)
CAZEO Meeting on 10-03-2012 <b><u>\$60.00</u></b>	(Nancy J. Rudek & Lisa DeMaria)

**150% Special Funds – Consulting Services**

Woodard & Curran: **\$8,782.82** – Review of Middlesex Hospital Medical Facility

**Special Funds – Bond Releases**

None.

**APPROVAL OF MINUTES – September 25, 2012 Regular Meeting Minutes:**

Upon a motion by Harry Ruppenicker Jr., seconded by Dwayne Xenelis, it was:  
**VOTED:** Unanimously to approve the minutes of September 25, 2012, as submitted.

**ADJOURNMENT**

Upon a motion by Dwayne Xenelis, seconded by Lee Archer, it was:  
**VOTED:** Unanimously to adjourn at 7:55 p.m.

Respectfully submitted:

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Lisa DeMaria, Interim Recording Clerk