



**Town of Westbrook**  
**ZONING COMMISSION**

866 Boston Post Road  
Westbrook, CT 06498  
(860) 399-3046

**ZONING COMMISSION**  
**REGULAR MEETING AND PUBLIC HEARING**  
**MINUTES – MARCH 24, 2015**  
**7:00 P.M. MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Harry Ruppenicker, Jr., Regular Member Dwayne Xenelis, Regular Member Lee Archer, Regular Member Mike Engels, ZEO Nancy Rudek and Attorney Matt Willis.

**CALL TO ORDER:** The meeting was called to order by Chairman Tony Marino at 7:01 p.m.

**ESTABLISHMENT OF QUORUM:** Chairman Marino stated that all Regular Members of the Commission were present.

**AGENDA ADDITIONS:** None.

**SETTLEMENT OF APPEAL:**

1. **ZC2014-014 – 1961 Boston Post Road** – Proposed settlement as per Stipulated Court Judgment, dated March 24, 2015.

Attorney Ed Cassella was present as agent for 1961 Boston Post Road, LLC and Chapman Beach Commons, LLC and stated the Agreement had yet to be signed to date and requested the matter be tabled and continued to April 28, 2015.

Upon motion by Lee Archer, seconded by Mike Engels, it was:  
**VOTED:** Unanimously to continue the matter to April 28, 2015.

Upon motion by Mike Engels, seconded by Harry Ruppenicker, Jr., it was:  
**VOTED:** Unanimously to recess the Regular Meeting portion of the meeting and open the Public Hearing portion of the meeting at 7:04 p.m.

**PUBLIC HEARING(s)**

1. **ZC-2014-022 – 1961 Boston Post Road** (Map/Lot 180/113 & 174) – Continued hearing on Site Plan Application for an Affordable Housing Development,, pursuant to CGS 8-30g, consisting of 24 new residential units on a lot with an existing structure. Owner: 1961 Boston Post Road, LLC & Chapman Beach Commons, LLC, c/o Pete Boccarosa/Agent: Ed Cassella (65-day Application Period ends 2-19-2015, extended to 3-24-2015).

- 1a. **ZC-2014-022 – 1961 Boston Post Road** (Map/Lot 180/113 & 174) – CAM (Coastal Area Management) Application associated with Site Plan Application. Agent: Ed Cassella (65-day Application Period ends 2-19-2015, extended to 3-24-2015).

Ed Cassella was present as agent and requested a 30 day extension to April 24, 2015. After discussion the Zoning Commission agreed to schedule a Special Meeting before April 24<sup>th</sup> as time would run out before the next Regular Meeting on April 28<sup>th</sup>. After consulting individual schedules, April 23, 2015 was settled upon for the Special Meeting. Attorney Cassella was asked if any work has been on the site done under CGS 8-30g to which he replied it had. An unidentified woman from the audience inquired if the units would be available for senior housing. She was told by Attorney Cassella and Chairman Marino that no decision had been made as of yet.

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

**VOTED:** Unanimously to hold a Special Meeting on April 23, 2015 at 7:15 p.m. at the Mulvey Municipal Center, Multi-Purpose Room, for **ZC-2014-022 – 1961 Boston Post Road** (Map/Lot 180/113 & 174) – Continued hearing on Site Plan Application for an Affordable Housing Development Site Plan Application for an Affordable Housing Development, pursuant to CGS 8-30g, consisting of 24 new residential units on a lot with an existing structure. Owner: 1961 Boston Post Road, LLC & Chapman Beach Commons, LLC, c/o Pete Boccarosa/Agent: Ed Cassella, including **ZC-2014-022 – 1961 Boston Post Road** (Map/Lot 180/113 & 174) – CAM (Coastal Area Management) Application associated with Site Plan Application. Agent: Ed Cassella.

At this time Attorney Cassella indicated it would make sense to also discuss the settlement of appeal regarding **ZC2014-014 – 1961 Boston Post Road** – Proposed settlement as per Stipulated Court Judgment, dated March 24, 2015, at the same Special Meeting on April 23, 2015.

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

**VOTED:** Unanimously to revise the previous motion regarding **ZC2014-014 – 1961 Boston Post Road** – Proposed settlement as per Stipulated Court Judgment, dated March 24, 2015, for a continuance to April 23, 2015 at 7:15 p.m.

2. **ZC-2015-002 – Pilots Point Marina** – (Map/lots #184/130 (1.4 acres) 131 (34.1 acres) – Continued hearing on Special Permit Application for storage of boats on undeveloped land adjacent to Pilots Point Marina, and maintain landscaped perimeter berms around boat storage area. Owner: Pilots Point Marina, LLC/agent H. Brian Dumeer, Esquire. (35-day Public Hearing period ends 4-8-2015).

- 2a. **ZC-2015-002 – Pilots Point Marina** – CAM (Coastal Area Management) Application associated with Special Permit Application ZC2015-002 Pilots Point Marina (south side of Rte. 1). (35-day Public Hearing period ends 4-8-2015).

Attorney H. Brian Dumeers, agent for Pilots Point Marina, Stu Fairbanks from Angus McDonald-Gary Sharpe Associates, and Bill Harris from Acer Gardens were present. Continued discussion from the last meeting clarified the planting berm design and a bound document with the same title dated March 24, 2015 was distributed to those in attendance. Bill Harris went over the plantings design describing species, heights, spacing and coverage. He noted the berm height by the retaining wall would have to be adjusted to the height of the wall. Mr. Harris reviewed an artist's rendering by Craig LaLaberti(sic) noting accurate drawings and those that were not.

A letter dated March 10, 2015 from the Planning Commission and signed by Town Planner Meg Parulis, contained recommendations and was read into the record by Chairman Marino.

No one from the audience spoke either for or against the application.

Discussion took place over the applicant's Statement of Use and Commissioner's Ruppenicker's inquiry as to whether any boats would be located or if boat activity would take place along Route 1. Discussion also took place regarding removal of 3 stipulations from the draft Certificate of Decision for the Special Permit Application. It was the consensus of the Commission to remove stipulations 1, 2 and 3.

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

**VOTED:** unanimously to close the public hearing. The hearing closed at 7:31 p.m.

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

**VOTED:** unanimously to reconvene the regular meeting. The regular meeting reconvened at 7:31 p.m.

### **REGULAR MEETING**

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

**VOTED:** unanimously to approve the draft approval for **ZC-2015-002 – Pilots Point Marina** – Special Permit Application and its accompanying CAM, striking stipulations 1, 2 and 3.

### **RECEIPT OF APPLICATIONS**

1. **ZC-2015-006 – 1306 Boston Post Road** (Map/lot 177/030) - Minor modification to allow two (2) single family dwellings and retail/storage in existing buildings, previously approved on 10/28/14 under Z2006-002M. Modification to allow a two-family residence with Bakery in attached building, and a single family residence in back building aka 1296 Boston Post Road (17 parking spaces). Owner: RC Patel, LLC/Agent Ed Cassella, Esquire. (65-day Application Period ends 5-28-2015)

Attorney Ed Cassella was present and in the hope something could get approved, explained that due to septic system restrictions at the site, one (1) single family residence would be in front, one (1) single family residence would be in back and the building to the rear would not house a bakery but instead retail.

Chairman Marino read into the record a 2-page memo dated March 18, 2015 from Town Planner Meg Parulis.

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

**VOTED:** unanimously to approve the application as submitted.

Zoning Commission Regular Meeting/Public Hearing Minutes 3/24/2015

**NEW BUSINESS** - none

**OLD BUSINESS** - none

**MISCELLANEOUS** - none

**COMMISSION BUSINESS**

1. ZEO Report – not available

The Cease & Desist Order on Dennison Road was discussed.

Harry Ruppenicker Jr. asked the ZEO if anything could be done at the time an application was received in Land Use, if during the initial review, the location of dish receivers (Dish Network) would be located. Complaints had been received regarding a location on Route 1 where dishes are placed all over the property. The ZEO indicated she would try to have any future applications group the dishes in one location and/or out of public sight. She also agreed to scope out the Route 1 location.

2. **BILLS – Zoning Budget Report**

The following bills were paid out of the Operating Budget:

Branse & Willis, LLC: \$1,739.00 for General Legal (invoice #37632, #37636, #37634, #37635)

Kathleen Keleman \$409.70 for secretarial services

Hartford Courant \$236.20 (Legal Ad invoice #17545565, #030315)

W B Mason \$35.16 (Supplies invoice #24010332)

Nathan L. Jacobson & Associates Inc. \$561.21 (Flood Reviews – 77 Chapman Beach, 23 Beverly, 7 Hogan)

**150% Special Funds-Consulting Services** – none

**Special Funds – Bond Releases** – none\

**APPROVAL OF MINUTES – Special Meeting March 4, 2015**

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

**VOTED:** Unanimously to approve the amended minutes of the Special Meeting held March 4, 2015.

**ADJOURNMENT**

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

**VOTED:** Unanimously to adjourn at 8:16 p.m.

Respectfully Submitted,

*Janet L. Aiken*

Janet L. Aiken, Recording Secretary Category I