

**ZONING COMMISSION REGULAR MEETING MINUTES  
JANUARY 22, 2019  
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

**Members Present:** Chairman Tony Marino, Regular Member Lee Archer, Regular Member Dwayne Xenelis, Regular Member Harry Ruppenicker Jr., Regular Member Mike Engels, Alternate Member Linda Nolf, Alternate Member George Pytlik Jr. and ZEO Eric Knapp.

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

**ESTABLISHMENT OF QUORUM:**

All 5 Regular Members of the Commission were present.

**PUBLIC HEARING(s):**

2. **ZC2018-0018: Modification of Approved Special Permit, Wetmore Marina, 362 & 372 Boston Post Road, Parcel ID #s: 188/181 & 182. Applicant: Black Hall Outfitters, LLC; Owner: 362 Post Road, LLC; Re-alignment of boat slips and parking areas. Relocation and reconstruction of building. Lot merger. Also CAM Application:**

Engineer Clint Brown and Attorney Ed Cassella were present representing the applicant, as well as applicant Kevin Boucher. It was stated that they are still waiting to hear from DEEP for approval of the upland activities. What they are proposing is merging 2 lots together and reconfiguring the property to maximize and define the parking with a landscape island, to reconfigure the boat slips and to re-locate the Club House to the rear of the property. They will go from 130 boat slips to 114 and increase parking spaces from 80 to 136. They are working with DEEP regarding the western part of the property. They still need to work on lighting, dumpster location and revise the statement of use, which was requested by ZEO Eric Knapp. Engineer Clint Brown stated that the new building is compliant with the flood Regulations and they will landscape along Route 1.

At this time, Chairman Marino opened the floor to the public to speak for or against the application or to ask questions. There were no members of the public whom wished to speak.

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

**VOTED:** Unanimously to continue the Public Hearing for Application ZC2018-0118, 362 & 372 Boston Post Road until February 25, 2019 at 7:00 in the Multi-Media Room in the Mulvey Municipal Center.

1. **ZC2018-0016 – Comprehensive updating and revision of Westbrook Zoning Regulations. Westbrook Zoning Commission, Applicant:**

Chairman Marino stated that the biggest part of the proposed changes to the regulations is to make them more user friendly. It was stated that we have just received a reply from DEEP and the Commission Members have not had time to review the document yet. We have also received communications from RiverCOG and the Planning Commission.

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

1. Attorney Sylvia Rutkowska, who represents Lyman Development Corporation, is requesting an amendment to Section 3.B.9d of the draft Zoning Regulations. The

- change will allow residential units in the CTC and NCD Districts, to allow by Special Permit residential units to be located on both an upper floor and a ground floor, provided the residential units don't exceed 65% of the gross floor area of the building.
2. Ron and Jackie Lyman, owners of the old Art Gallery Property that would be affected by this proposed change stated that they would like to put up a building while keeping with the neighborhood and have the garage bays in the back of the building. They showed an example of what the building would look like.
  3. Jeff Fitzgerald of the Westbrook Outlets stated that he would like to see changes in the TIC Zone regarding height restrictions. This would be to possibly allow hotels on Flatrock place that could be 5 or 6 stories high. They also would like to see changes in the setbacks due to the wetlands in the area.
  4. Deborah Rie stated that she would like to see more regulations regarding properties that are unsightly, such as large cut up piles of trees and brush. She feels that things like this are starting to affect property values all over town. She stated that she sent an email back in October to Eric Knapp regarding this request. Chairman Marino asked her to send a copy of the email to himself, Eric Knapp and Noel Bishop. Ms. Rie also stated that she would like to see the regulations expand the regulations regarding junk and rubbish and such.
  5. John Hall III stated that he made many recommendations at the previous meetings and asked if they were considered. Chairman Marino stated that all recommendations were considered and asked that Mr. Hall contact Mr. Knapp to go over what was changed on his recommendations.

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

**VOTED:** Unanimously to continue the Public Hearing for Application ZC2018-0016, Town of Westbrook, Zoning Regulation Updates to February 26, 2019 at 7:00 in the Multi-Media Room in the Mulvey Municipal Center.

**REGULAR MEETING:**

**RECIPT OF APPLICATIONS:**

1. **ZC2018-0017: Modification of Approved Special Permit, Westbrook Place 12/14 Westbrook Place, Parcel ID#177/007. Applicant Jodi Iaccarino; Owner: Steven Cline, Trustee; change of use from retail (kite store) to personal service (personal training):**

Property owner Herbert Clark was present and stated that the kite store has closed so there is available space in the building. Jodie Iaccarino is currently using Gowrie space and she would like to have her own space. Therefore, they are requesting to change the use from retail to personal services.

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

**VOTED:** Unanimously to receive Application ZC2018-0017, 12/14 Westbrook Place, Change of Use.

2. **ZC2018-0019: Landing of PRD Overlay Zone and Special Permit for placement of 20 unit condominium, 1935 Boston Post Road, Parcel ID#180/114. Applicants: Bocca-Des Properties, LLC & Vista Life Innovations, Inc.; Owner: Bocca-Des Properties, LLC. This is a bifurcated application/process. The landing of the floating zone, PRD, must be addressed first; (the Special Permit to approve the 20**

**unit condominium is a multistory building, with associated parking and improvements will rely upon the adoption of the zone):**

Chairman Marino stated that this should be broken out into two separate applications: One for the approval of the PRD Zone and one for the condominium complex. Attorney Ed Cassella was present, representing the Applicant, as well as applicant Scott Desmond. Attorney Cassella stated that the applicant has received approval from the Inland Wetlands and Watercourse Commission.

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

**VOTED:** Unanimously to receive accept this as 2 separate applications and to set 2 separate Public Hearings for February 26, 2019 at 7:00 p.m.in the Multi-Media Room at the Mulvey Municipal Center.

**NEW BUSINESS:**

1. **ZC2018-017: Modification of Approved Special Permit, Westbrook Place 12/14 Westbrook Place, Parcel ID#177/007. Applicant Jodi Iaccarino; Owner: Steven Cline, Trustee; change of use from retail (kite store) to personal service (personal training): Set Public Hearing Date:**

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

**VOTED:** Unanimously to schedule a Public Hearing date of February 26, 2019 for Application ZC2018-017 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

**OLD BUSINESS:**

1. **ZC2018-0016 – Comprehensive updating and revision of Westbrook Zoning Regulations. Westbrook Zoning Commission, Applicant:**  
The Public Hearing for this application was continued to February 26, 2019.
2. **ZC2018-0018 - Modification of Approved Special Permit, Wetmore Marina, 362 & 372 Boston Post Road, Parcel ID #s: 188/181 & 182. Applicant: Black Hall Outfitters, LLC; Owner: 362 Post Road, LLC; Re-alignment of boat slips and parking areas. Relocation and reconstruction of building. Lot merger. Also CAM Application:**

The Public Hearing for this application was continued to February 26, 2019.

**EXECUTIVE SESSION:**

None.

**COMMISSION BUSINESS:**

1. **Assistant Zoning Enforcement Officer position update:**  
Eric Knapp stated that the Board of Selectmen are currently revisiting the staffing of the department, so they are not holding any interviews at this time.
2. **ZEO Report:**  
Distributed and discussed.
3. **CT Land Use Law Conference at Wesleyan University – 3/23/19:**  
Eric Knapp stated that every other year, this conference is put on by the CT Bar Association. Chairman Marino highly recommends this for anyone who would like to attend, especially new members. Please let Eric know if you would like to attend.

**4. Bills:**

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

WB Mason: \$104.86

Joseph Meritt & Company: \$102.97

Recording Secretary – Kathleen Kelemen - \$91.98

**APPROVAL OF MINUTES: Regular Meeting – December 18, 2018:**

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

**VOTED:** Unanimously to approve the minutes of the December 18, 2018 Regular Meeting, as distributed.

**ADJOURNMENT:**

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

**VOTED:** Unanimously to adjourn at 7:58 p.m.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary