

ZONING COMMISSION REGULAR MEETING MINUTES

JUNE 28, 2021

7:00 PM

Multi-Media Room - Mulvey Municipal Center

Members Present: Chairman Harry Ruppenicker Jr., Vice Chairman Dwayne Xenelis, Regular Member Vincent Gentile, ZEO Eric Knapp and Commission Attorney Matt Willis.

CALL TO ORDER:

The meeting was called to order by Chairman Ruppenicker at 7:03 p.m.

ESTABLISHMENT OF QUORUM:

3 of 5 Regular Members were present.

A. RECEIPT OF APPLICATIONS:

1. ZC2021-0010 – 4 Grove Beach Road North, Map 187, Lot 142. Amendment to Special Permit. Change of use, from medical offices to brewpub pursuant to Section 3.B.3.f of the Zoning Regulations. Neighborhood Commercial District (NCD) Zoning District. Applicant: Richard Lemieux. Owner: KJK Holdings LLC. Map 187, Lot 142. Use of approximately 2,500.00 square feet of space to manufacture and distribute beer, cider and seltzers. 80 indoor seats. 24 outdoor seats:

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

VOTED: Unanimously to receive Application ZC2021-0010, 4 Grove Beach Road North and to set a Public Hearing for Monday, July 26, 2021 at 7:00 P.M. at the Mulvey Municipal Center and possibly via ZOOM:

2. ZC2021-0011 – 866 Boston Post Road. Petition to Amend the Zoning Regulations. Text Amendment. Applicant: Westbrook Zoning Commission. Owner: Town of Westbrook. Amendment to Table 2.C.2 of the Zoning Regulations to alter setbacks in HDR2 Zone, allowing 20' setback from center of road for decks, stairs & landings, handicapped ramps and HVAC systems, while requiring dwellings and outbuildings to maintain a 30' setback from the center of road:

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

VOTED: Unanimously to receive Application ZC2021-0011, Town of Westbrook and to set a Public Hearing for Monday, July 26, 2021 at 7:00 P.M. at the Mulvey Municipal Center and possibly via ZOOM:

B. PUBLIC HEARINGS:

1. ZC2021-0009. 7 parcels, including: Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), 1572 Boston Post Road (Map 181 / Lot 006), and Boston Post Road (Map 181 / Lot 188). Application for affordable multifamily community, "Dattilo Village," pursuant to Conn. Gen. Stat. § 8-30g. Existing Zones: Neighborhood Commercial District (NCD) and Medium Density Residential (MDR). Owners and Applicants: Dattilo Family Holdings, LLC and Michael Dattilo. Four-part application to: create a new zone, § 5.D, "Dattilo Village Zone" ("DVZ"); rezone all of Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), and a portion of 1572 Boston Post Road (Map 181 / Lot 006), to DVZ; Site Plan

approval for 38 one-bedroom apartments in four buildings, of which 30% (12 apartments) will be formally rent-restricted consistent with the requirements of Conn. Gen. Stat. § 8-30g; and Coastal Area Management Site Plan approval. The Applicants also are seeking a lot line revision consistent with this application, but the lot line revision is not subject to Commission review:

Attorney Andrea Gomes, Attorney Leah Rubegga, Applicant Claudio Marasco, Engineer Al Wolfgram, Landscape Architect Whitney Talcott, Architect Marc Petrin, Engineer Scott Hesketh and Traffic Engineer Scott Hesketh. Attorney Gomes stated that all information for this application has been filed properly and is available to the public for their viewing. This application consists of 7 parcels totaling 10.58 acres. 3 of which front Boston Post Road. Access to the properties will be via Kirtland Street. There are currently 2 homes, a garage, a barn and an auto business. 1 parcel is a MDR/NCD Zone and the remaining 6 parcels are NCD. This application is similar to the application that was submitted in 2020 and withdrawn. They are proposing to demolishing all existing buildings with the exception of the barn, which will be used for maintenance and storage. They are proposing 38-1 bedroom apartments in 4 buildings, as well as a fitness trail. Part of the application is being submitted under 8-30G, which is the Connecticut Affordable Housing Act. Therefore, they will be setting aside 30% (12 units) aside for “affordable unit”. These units will be evenly disbursed throughout the site. Ms. Gomes pointed out that the only way for the Zoning Commission to deny this application is if they feel that there is public health or safety concerns. The application consists of text amendments to create an incentive housing overlay zone and they will be doing lot line revisions (8.04 acres are to be rezoned), plus site plan approval. The application also seeks CAM approval. They have received approval from Westbrook Inland Wetlands and Watercourse Commission with conditions. The applicant has submitted a Phase I report regarding possible contamination for the on site auto business. They are currently working with the Health Department and the Conservation Commission has reviewed the application, whose minutes are contained in the packet.

Engineer Al Wolfgram went over the existing conditions on the properties. They plan to convert the existing barn to a maintenance and storage building. There is no impact to wetlands and there is a minimal impact in the IWW review area. There will be a 16’ wide, one-way circular driveway. There will be 4 buildings – 1 building will contain 8 units and the other 3 will contain 10 units each. The fitness trail will go around the buildings toward the existing tennis courts that are on another Dattillo property. There will be rain gardens and 1 detention basin. Mr. Wolfgram went over the emergency vehicle access. All drainage fits Zoning Regulations and has been reviewed by the Town Engineer on 3 different occasions, who stated that all drainage meets Westbrook regulations. There will be 5 rain gardens and 1 retention basin. All utilities will be come from Route 1 along Kirtland Street. There will be green space and open space to the easterly side of the property. There will be a restriction placed on the open space, but this portion will not be deeded to the Town of Westbrook. Kirtland Street is a private road and they will be installing two fire hydrants. Kirtland Street is currently a dirt road and they are not proposing any improvement to it so it is not to the standards of a town road, but they will look at private road design standards. It was asked if there will be any additional parking spaces for the public to use the trails. Mr. Wolfgram stated that any public access to the trails would be through the east side of the property by the tennis courts. A report was submitted from the Connecticut Water Company that the proposed hydrants will be properly supplied and all buildings will have sprinkler systems. The proposed septic system is currently being reviewed by the Health Department.

Landscape Architect Whitney Talcott went over the proposed landscaping design for the project. They are proposing to remove all existing plants, which are mostly invasive, and be replaced with low maintenance plantings. All adjoining properties will be properly buffered. The walking trail will be a crushed stone surface.

Architect Beau Dupris went over the materials that will be used for the building siding and roofing. There are no garages proposed, nor basements, nor elevators. There will be ADA accessibility on the lower floor units. The heating for all units will be electric heat only.

Traffic Engineer Scott Hesketh stated that he had conducted traffic counts in 2016 and again in 2020. He stated that 2020 was actually lower counts, which is most likely due to COVID. Mr. Hesketh went over all the information that was obtained regarding counts and peak hours. There is a 575' of a clear site line in both directions on Route 1. Mr. Hesketh stated that he does not feel that the additional traffic will be a detriment to safety. Dwayne Xenelis asked if the Ct DOT will be involved. Mr. Hesketh stated that an application will have to be submitted and they will review the DOT Right of Way.

Attorney Gomes stated that the applicants will go before the Planning Commission on July 12th. Ms. Gomes went over and discussed all comments made by ZEO Eric Knapp regarding the application. She stated that the affordable units must remain affordable for 40 years.

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

1. Vivian Partridge of 1594 Boston Post Road stated that there is an antique New England Stone Wall on the property and is hoping that it will be preserved and only a small portion will be removed to allow access on the trails.
2. Peter Shaumberg (sp?) who lives on Stone Hedge Road asked if there was a set of plans that he could take home to review. A set of plans was given to him. Mr. Shaumberg also asked if there were any similar developments that he could go look at. A list of similar developments was given to him.

Chairman Ruppenicker asked that the location of the dumpster(s) be added to the plans.

Upon a motion by Vincent Gentile, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to continue the Public Hearing for Application ZC2021-0009 be continued to July 26, 2021 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center and possibly via ZOOM.

C. REGULAR MEETING:

NEW BUSINESS:

1. ZC2021-0010 – 4 Grove Beach Road North, Map 187, Lot 142. Amendment to Special Permit. Change of use, from medical offices to brewpub pursuant to Section 3.B.3.f of the Zoning Regulations. Neighborhood Commercial District (NCD) Zoning District. Applicant: Richard Lemieux. Owner: KJK Holdings LLC. Map 187, Lot 142. Use of approximately 2,500.00 square feet of space to manufacture and distribute beer, cider and seltzers. 80 indoor seats. 24 outdoor seats:

Public Hearing set for July 26, 2021.

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Public Hearing set for July 26, 2021.

OLD BUSINESS:

B. PUBLIC HEARINGS:

1. ZC2021-0009. 7 parcels, including: Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), 1572 Boston Post Road (Map 181 / Lot 006), and Boston Post Road (Map 181 / Lot 188). Application for affordable multifamily community, "Dattilo Village," pursuant to Conn. Gen. Stat. § 8-30g. Existing Zones: Neighborhood Commercial District (NCD) and Medium Density Residential (MDR). Owners and Applicants: Dattilo Family Holdings, LLC and Michael Dattilo. Four-part application to: create a new zone, § 5.D, "Dattilo Village Zone" ("DVZ"); rezone all of Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), and a portion of 1572 Boston Post Road (Map 181 / Lot 006), to DVZ; Site Plan approval for 38 one-bedroom apartments in four buildings, of which 30% (12 apartments) will be formally rent-restricted consistent with the requirements of Conn. Gen. Stat. § 8-30g; and Coastal Area Management Site Plan approval. The Applicants also are seeking a lot line revision consistent with this application, but the lot line revision is not subject to Commission review:

Public Hearing continued to July 26, 2021

COMMISSION BUSINESS:

1. ZEO Report:

- Mr. Knapp updated the members in regards to what is happening at Whitmore Marina. They will need to come forward with an amended application because they have done work that was not on the approved plan. They are currently under 3 Cease and Desist Orders from himself, the Health Department and the Building Department. There is a meeting schedule for tomorrow with everyone that is involved.
- Mr. Knapp stated that the Commission will have to address new Zoning Regulations due to the fact that marijuana has become legal.

2. Bills:

The following bills were paid from the Zoning Commission Budget:

Shore Publishing - \$144.00
Halloran & Sage - \$375.57
Recording Secretary - \$83.49

APPROVAL OF MINUTES: Regular Meeting Minutes of May 24, 2021:

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

VOTED: Unanimously to approve the minutes of May 24, 2021, as amended.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

VOTED: Unanimously to adjourn at 8:58 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary