

**Westbrook Planning Commission
Regular Meeting Minutes
July 12, 2021, 7:00 p.m.**

MEMBERS PRESENT: Marilyn Ozols, Chair; Bill Neale, Vice Chair; Phil Bassett, Secretary; Tammy Niedzwicki, Regular Member (via Zoom), and Alternate Members Sheryl Becker (arrived at 7:03 p.m.) and Richard Newberg

MEMBERS ABSENT: Eric Reeve, Regular Member, and Alternate Member Marie Farrell

ALSO PRESENT: Eric Knapp, Planning, Zoning and Development Coordinator

M. Ozols called the meeting to order at 7:01 p.m. and seated R. Newberg to vote.

SUBDIVISIONS: None

TOWN AND GOVERNMENT AGENCY REFERRALS:

ZONING REFERRALS:

A. 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 square feet of space to manufacture and distribute beer, cider and seltzers. 80 indoor seats. 24 outdoor seats.

Richard Lemieux, co-owner of Coastline Brewing Company, explained the project to Commission members.

M. Ozols asked about the lighting. She said it looks like there would be new lighting on the building. R. Lemieux said there would be no new lighting. All of the lighting is existing. Some of the bulbs were previously burned out. The wall packs on the side of the building are existing. The lights had been shut off because it was a bank-owned building. The Applicant would like to add two (2) lights onto the side of the building which will point downwards. The bollards are existing. Those will not be moved. M. Ozols asked that the lighting be clarified on the plan. The architectural plans do not presently show the bollards and this may affect the seating plan. The Applicant indicated that he would have the architectural plans revised, but it should not affect outside seating.

M. Ozols asked that the parking be clarified on the plan as shared parking.

S. Becker arrived at 7:03 p.m. She is an Alternate Member and was not seated.

R. Lemieux stated that the brew pub is not planning to serve food at this time. They would like to collaborate with the surrounding businesses not compete with them. He added that the application is still pending in front of the Health Department. The septic system will not be used for any by-products from beer making. Those are handled separately, being removed to a facility in the state that uses them for energy production.

R. Newberg made a motion to find the proposed conversion of medical office space into a brewpub use with indoor and outdoor seating at 4 Grove Beach Road North, 4 Grove Beach Road North. including the outdoor bar area CONSISTENT with the Plan of Conservation and Development recommendation to continue to support appropriate business and/or economic development along Route 1 West to the Clinton town line (POLICIES AND ON-GOING PROGRAMS, Guide Development In Target Areas, page 57)with the request

that the architectural plans be amended to show the locations of the existing bollards between the building and Grove Beach Road North, as the table placement plan will need to reflect this. The Motion was seconded by B. Neale and passed unanimously.

B. 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 center of road.

E. Knapp explained that the property lines in Pilot's Point run to the center of the road. There have been conflicting interpretations as to how to measure setbacks in Pilot's Point. Therefore, there were inconsistent results. The Zoning Commission would like to have one set of setbacks for buildings and one set of setbacks for decks and landings.

M. Ozols said Section 8A of the Zoning Regulations was carefully crafted to allow certain things like overhangs to extend into the setbacks. This allowed for better building design. Also, with this wording, if someone added a decorative element or a gutter, they might create a zoning violation unknowingly.

E. Knapp add that there are other homes in town that this regulation could be applied to. If this zone change goes well, it can be applied more globally to other areas of town. Pilot's Point is its own unique zone so it is easy to implement this change here. There is a distinction made in the regulation for front of the house versus front yard setback.

A motion was made by B. Neale to find the proposed text 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 center of road adjusting how setbacks facing the road are measured for various residential structures, CONSISTENT with the Plan of Conservation and Development recommendations to Continue to monitor the impacts from new construction on coastal neighborhoods . . . in order to proceed with regulation changes if it becomes warranted. (Policies on On-Going Programs, Guide to Residential Development, p. 62) with the request that the following language be deleted from the proposed amendment so as to prevent conflict with Section 8.A of the Regulations: "and its related architectural features, such as roof eaves/overhangs, gutters and leaders, chimneys, bay windows, columns, brackets and pilasters". The Motion was seconded by P. Bassett and passed unanimously.

C. 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.

Attorney Andrea Gomes from Hinckley Allen in Hartford presented for the applicants. She reviewed the timeline of their application.

She stated that there are seven (7) parcels that are part of this application. The entire site totals over ten (10) acres. Of the 7 parcels, three (3) have frontage directly on Boston Post Road. The vehicular access will be only from

Kirtland Street. After spending ten years evaluating this parcel, an application for 28 rental apartments in four separate buildings was submitted in 2020 which was going to be called Dattilo Village. This plan was then revised to what is being proposed today to include affordable housing. The revised proposal includes demolition of all of the existing structures on site except for the barn. The barn will be used for storage/maintenance. There will be 38 one-bedroom apartments in four buildings on site, and there will be a fitness trail proposed to the east of the site available for residents and members of the public. This is an 8-30g application for affordable housing, pursuant to the Connecticut General Statutes. This will be a “set aside development.” 30% or twelve units will be set aside as formally rent restricted for residents making 80% or less of the State’s area median income, whichever is less, and 60% or less of the State’s area median income, whichever is less. They are in the process of revising their floor plans, so the rent restricted units will be evenly distributed throughout the buildings.

She also stated that the applicant is proposing to re-zone eight acres of their development to the Dattilo Village Zone. The remainder of the site will remain NCD (Neighborhood Commercial District). This project needs a combination of site-specific rules and standards and affordability rules. Dattilo Village Zone was developed and modeled after the Incentive Housing Overlay Zone. It is not considered “spot zoning.” They would like their development to be zoning compliant.

She added that the application has received Inland Wetlands approval. The Health Department is reviewing the septic approval. The Coastal Site Plan Review was done, and there were no issues of concern. The In 2019, with the prior proposal, the Conservation Commission approved the open space proposal which is essentially the same open space proposal as in this application.

Al Wolfgram, Professional Engineer, reviewed the existing site plan and the revised site plan. There is no impact on Long Island Sound. There are inland wetlands on the property. Clustering the units more on the westerly side is the best way to set up the development given the other property conditions particularly with the location of the septic system in the central part of the lot and the location of the open space in the easterly part of the lot. There will be four units: three buildings with 10 units, and one building with eight units.

He stated that the stormwater management has been reviewed by the Town Engineer three separate times, twice through the Zoning and Inland Wetlands Commission and once during the prior Zoning application. He reviewed the drainage paths. Utilities will be coming in from Route 1. The utilities will all be electric. The fitness trail will be part of the open space. The total open space exceeds the 20% open space requirement.

P. Bassett asked the developer about installing sidewalks from the development to the local stores and restaurants. The applicant will evaluate Kirtland Street for a sidewalk. There were concerns that the road may be too narrow.

M. Ozols asked about parking. They have 1.5 parking spaces per 1 bedroom unit and meet statutory requirements, but they might want to consider creating overflow parking. A. Wolfgram responded that there are 57 parking spaces for the development. This meets the parking requirements. People using the fitness trail will not be parking in Dattilo Village. They can park near the tennis courts to the east of the site.

A. Wolfgram stated that a Phase I Environmental Assessment was done on the parcel where the auto repair business is located. There was some contamination found in a couple of the areas. A Phase II Environmental Assessment regarding just that site will be done as a condition of the Inland Wetlands approval.

Beau Dupre said he was standing in for the architect of record. He described the materials being used for the buildings and the actual layout of the buildings. There is fire department access to the second-floor units via the decks for each second-floor unit. The first-floor units all have patios.

Whitney Talcott, Landscape Architect, reviewed the landscaping plan. The development will be buffered on all sides with vegetation. Many invasive plants including the soil, roots and seeds need to be removed before native plantings can be planted. There will be several rain gardens with many plants planted in them. The rain garden plants are chosen because of how they work with the stormwater management system. The retention systems are

bigger rather than deeper because of the soils types in this area. There are flowers and shrubs that will be planted around the units. They're going to remove the least amount of stone as possible from the stone walls.

Attorney Gomes stated that when this proposal was first submitted, it was under the previous Plan of Conservation and Development from 2011. This revised proposal was submitted under the new Plan of Conservation and Development for 2021. She reviewed the consistency under both plans and stated that it meets many of the goals and priorities in the POCD for diverse housing, preserving open space and affordable housing.

M. Ozols suggested that the affordability plan allow for deed restriction for more than 40 years. Attorney Gomes said the statute requires only 40 years. She explained that there will be long term financial impacts for the owner and the residual property value if the period of time exceeds 40 years.

M. Ozols suggested that the Zoning Commission require that the Affordability Plan be managed by a third party, that is approved by the Zoning Commission or its agent, with experience in managing an affordable housing plan. Attorney Gomes said that all that is required by the administrator is to comply with and adhere to the rules in the plan. It doesn't require a specific degree. It is not required by Connecticut law that the plan be managed by a third-party agent. The hiring of a third party is an unnecessary expense. The applicant is able to fulfill the plan without hiring a third-party agent. There is a legal presumption that the applicant will comply with all legal requirements of Conn. Gen. Stats. § 8-30g.

M. Ozols asked about a 5-year bond for the maintenance of the rain gardens as recommended by the ZEO. Attorney Gomes said the only bond that the Commission is authorized to impose is for improvements that will eventually become public improvements or bonds for completion of soil and erosion control during construction. Maintenance of the rain gardens and landscaping is not something the Commission is authorized to impose bonds for. There is the presumption that the applicant will comply with the 8-30g requirements. It's within the applicant's interest to maintain the property. If they do not maintain the property, they will not be able to lease the property.

M. Ozols and B. Neale discussed the Commission's ability to add additional requirements or conditions that are not typically required. Attorney Gomes said the affordability plan is always submitted in draft form because regulations, statutes, and calculations can change before the final plan is submitted.

M. Ozols requested an addition to the draft motion recommending that they upgrading Kirtland Street to the satisfaction of the Town Engineer and evaluate creation of a walkway along the street.

A motion was made by M. Ozols to find the affordable housing application, ZC2021-0009, Dattilo Village, 7 parcels, for affordable multifamily community, "Dattilo Village," pursuant to Conn. Gen. Stat. § 8-30g, including an amendment to the Zoning Regulations adding a new zone for affordable housing, a text change to rezone six parcels in whole or in part into the new zone, site plan approval and coastal area management approval CONSISTENT with the Plan of Conservation and Development recommendations to:

- * Seek ways to address the need for affordable family housing units (including "starter homes") to meet local needs.**
- * Encourage more housing choices and options to meet housing needs.**

The motion was made conditional upon the following conditions of approval to be adopted by the Zoning Commission:

- 1. All conditions set forth by the Applicant in the Applicant's Supplemental Materials June 21, 2021, Tab 1, page 3.**
- 2. All requirements contained in the review letter prepared by Nathan L. Jacobson & Associates, dated June 25, 2021.**

3. The following recommendations set forth in the review memorandum prepared by Eric Knapp, Planning, Zoning & Development Coordinator, in a memorandum dated June 21, 2021:
- (a) a maintenance bond in an amount to be determined by the town engineering consultant to ensure proper maintenance of the rain gardens for a period of five years.
 - (b) a third-party manager approved by the Zoning Commission or its agent, with experience in administering affordable housing to be hired by the Applicants to manage the Affordability Plan.
 - (c) the final Affordability Plan, lot merger and lot line revision documents and all other legal documents required to effectuate this application be subject to reasonable review by the Commission's consulting counsel.
4. The upgrading of Kirtland Street to the satisfaction of the town engineer, as well as the evaluation of feasibility of creating a walkway along Kirtland Street to the north side of Boston Post Road.

The motion was seconded by P. Bassett and was approved. B. Neale abstained. 4-0-1.

BILLS:

GENERAL ACCOUNTS FY 21		SPECIAL FUNDS	
Kathy King, Recording Secretary (PC Minutes for 6/18/21 - \$76.53; Affordable Housing Minutes 5/6/21 - \$108.14)	\$184.67	Planimetrics(Affordable Housing Plan)	\$2,000.00

A motion was made by P. Bassett to pay the bills in the General Accounts and Special Funds as presented. The motion was seconded by B. Neale and was approved unanimously.

MINUTES:

Special Meeting – June 8, 2021

A motion was made by B. Neale to approve the June 8, 2021 Planning Commission Special Meeting Minutes as amended. The motion was seconded by P. Bassett and was approved unanimously.

OTHER BUSINESS:

A motion was made by B. Neale to add the Sidewalk Plan under New Business. The motion was seconded by R. Newberg and was approved unanimously.

- a) **Sidewalk Plan** - M. Ozols reminded the Commission that prior to Covid restriction they had planned to to advertise for a consultant to provide recommendations for solutions for the Willard Avenue underpass. At the next Planning Commission meeting, M. Ozols would like the Commission to consider a Request for Proposal (RFP) for a consultant. There is money available in the consulting budget.

The Commission agreed to request that the First Selectman use some of the money in the engineering budget to have the engineers prepare plans for sidewalks on McVeagh Road. It is a highly traveled, high priority area. Some of the areas on McVeagh Road may require easements; some of the areas will require engineering design. Once these plans are completed, the project will be ready when funding is available.

A motion was made by B. Neale to request use of the Town engineering funds to have our Town Engineers prepare plans for sidewalks on McVeagh Road. The motion was seconded by P. Bassett and was approved unanimously.

b) Plan of Conservation and Development (POCD) – status update

The POCD has been submitted to the State. The next step will be an implementation plan. There is a proposal from Glenn Chalder of Planimetrics to help develop the implementation plan. It would cost \$4,000.00, which would come out of consulting funds.

A motion was made by B. Neale to engage Planimetrics to develop the implementation plan for the Plan of Conservation and Development. The motion was seconded by R. Newberg and was approved unanimously.

c) Capital Improvement Plan – status update

This has been approved and has been through Town Meeting.

d) Affordable Housing Plan- status update

The Affordable Housing Plan Survey has been extended for one more week. 130 responses have been received to date. The Subcommittee would like more responses.

e) 2017 Community Connectivity Grant – status update

M. Ozols reported that the sidewalks are done. Paperwork is being completed.

f) 2020 STEAP Grant – status update

The Town needs to choose an engineer using the Qualifications Based Selection Process for this project. Engineers submit their qualifications rather than a bid. Then the contracts are negotiated. Currently, the engineer the Town is using was not chosen through the QBS Process. M. Ozols has sent information to First Selectman Noel Bishop to start this process, so this project can proceed. The individuals likely to serve on the Committee are N. Bishop, Public Works Director John Riggio, M. Ozols and E. Knapp. Following this, the Town will choose an engineer or engineers through the QBS process managed by a global committee so the Town does not need to go through this process for each project.

g) Subdivision Regulation rewrite

M. Ozols said there is a proposal from the Town Attorney for approximately \$18,000.00 to rewrite the Subdivision Regulations. This is a Capital Project. In addition to the actual regulations, an engineer should finalize sidewalk, drainage, driveway and road standards.

A motion was made by B. Neale to authorize the Town Attorney to rewrite the Subdivision Regulations at a cost of approximately \$18,000.00 from the Capital Fund. The motion was seconded by P. Bassett and was approved unanimously.

REPORTS:

1. **Coordinator** – E. Knapp had nothing new to report at this time.
2. **RiverCOG** – B. Neale said RiverCOG had the public hearing on the Regional POCD. The public hearing has been closed. The POCD will be eligible for approval at the next meeting in two weeks.

CORRESPONDENCE:

There was no new correspondence.

ADJOURNMENT:

The meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Kathleen King, Recording Secretary