

MINUTES

Planning & Zoning Commission
Waterford Town Hall

August 8, 2011
7:00 PM

Members Present: E. Maguire, J. Auwood, G. Hughes, T. Ward, D. Award
Alternates Present: A. Laben (2 vacancies)
Staff Present: T. Wagner, M. Wujtewicz, D. Choisy

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Maguire called the meeting to order at 7:00.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Auwood, seconded by T. Ward, to approve the minutes of the July 18, 2011 special meeting minutes as written.

VOTE: 5-0

3. RECEIPT OF APPLICATIONS

#PZ2011-012 ó Request of Town of Waterford Utility Commission, applicant and owner; CLA Engineers, agent, for special permit and site plan approval to locate a municipal pump station at 45 Benham Avenue, R-20 zone, in accordance with Sections 3, 4, 20, 22 & 23 of the Zoning Regulations and as shown on plans entitled "Site Development Plan, Proposed Sewer Pump Station for Harrison's Landing, Sewer & Roadway Improvements," dated July 5, 2011.

Town of Waterford Chief Engineer Neftali Soto and project engineer Kyle Haubert of CLA Engineers gave a brief overview of this proposal. T. Wagner stated that the project requires a special permit, and a public hearing will be scheduled.

#PZ2011-013 ó Request of Hendel's Inc., applicant; Seron Transportation Company, Inc. owner; DiCesare-Bentley Engineers, Inc. agent, for modification of an approved site plan for property located at 973 Hartford Turnpike, C-G zone in accordance with Sections 8 and 22 of the Zoning Regulations and as shown on plans titled "Site Plan Modification, Convenience Store/Gas Station, Prepared for: Hendel's Inc." dated July 27, 2011.

M. Wujtewicz stated that this item appears on the agenda under Administrative Review, however, after review by Staff it has been determined that this application will need to be reviewed by the Commission as a modified site plan. It will appear on a future agenda for the Commission's review.

4. APPLICATION REVIEWS

#PZ2011-009 – Application to amend Sections 17a.1.1, 17a.2, 17a.2.3.2, 17a.3.2, 17a.5.4, 17a.7.1, 17a.7.3, 17a.13, 17a.14, 17a.15 and 17a.16 of the Waterford Zoning Regulations

A. Laben was seated for D. Award for review of this application.

The Commission reviewed a memo from T. Wagner dated July 22, 2011 prepared in response to comments made by the Commission at the previous meeting.

MOTION: Motion made by T. Ward, seconded by A. Laben, to take the following actions on the requested amendments to the Zoning Regulations:

17a.1PURPOSE : Approve with modifications to read as follows:

17a.1.1 Results in the adaptive reuse of the Main Building, the Employee Building I, so called, the Duplex and the Superintendent's House (Historic Structures), consistent with each buildings original architectural design and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Reasons: Original proposed text change was inconsistent with the basis of the Seaside Preservation Zoning District purpose to protect and use the Historic Buildings as the basis of any redevelopment of the site. The text modification above establishes the original architectural design as the desired historic period from which a final design will emerge and references the Secretary's Standards as a standard to guide the Commission's review of the proposed redevelopment of the site.

17a.2: USES PERMITTED.....:Deny proposed changes to this section.

Reasons: 3.34 is applicable and the Seaside Preservation District is cited therein.

Existing regulation language provides sufficient discretion to the Commission to consider what level of redevelopment is feasible and prudent. The concept of replacement historic structures presupposes the demolition of one or more of the buildings and the development of the site based on a concept yet presented, whereas the Historic Structures must continue to be the focus of any adaptive reuse of this site.

Based on the revisions to section 17a.14, the language regarding the location of the principle use should be deleted. The following would be deleted from 17a.2 "located primarily in the Historic Structures and isö.... Revised text is as follows:

17a.2 USES PERMITTED IN THE SEASIDE PRESERVATION DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the Seaside Preservation District, subject to the applicable lot design standards of Section 3.34, if approved by the Commission in accordance with the provisions of Section 23 of these regulations. Any such permitted use noted below shall be subject to the requirement that the Historic Structures be retained, renovated and integrated into the overall development plan. In meeting this objective, said buildings may be added onto or repositioned on the site.

17a.2.3.2 USES PERMITTED..., DWELLING UNITS: Approve, removal of this section as

proposed.

Reasons: There are insufficient reasons to retain this restriction and in doing so limit the market and ultimately the feasibility of the project. The record contains sufficient information about the existing excess capacity in the Waterford Schools to accommodate potential school age children that might reside at this site. The regulations require a public park open to all and the housing should be similarly unrestricted.

17a.3.2 ACCESSORY USES....Approve, addition of “and dining” to this section as proposed.

Reasons: 17a.3 provides a partial listing of potential accessory uses that may be allowed by the Commission when issuing a special permit. Change is approved on the basis that it is illustrative of a facility which may logically be included in the development to serve its residents. 17a.3.6 would have allowed the Commission to consider dining facilities without the amendment.

17a.5.4 MINIMUM SETBACKS, BUILDING SEPERATION: Approve as proposed

Reasons: Does not require constant revision when codes are changed. “Current” means at the time of application.

The Commission discussed the proposed revisions to the height section and modified the recommendation from staff to read as follows for the reasons listed.

17a.7.1:MAXIMUM BUILDING HEIGHT: Approve with modifications to read:

17a.7.1 Maximum building height 35 feet, except that in order to preserve the original architectural design any portion of a Historic Structure that exceeds the Maximum Building Height maybe retained.

Reasons: Allows existing non-conforming height of the historic structures to be maintained. Requiring additions to meet the maximum height rather than the non-conforming height focuses the design back on the historic structures. Consistent with design changes and desire to meet the Standards for Historic Preservation.

17a.12 SPECIAL PERMIT APPROVAL: Deny:

Reason: Applicant agreed to deletion of this section during the public hearing. It is expected that the applicant will undertake a public process and submit to the Commission preliminary applications as allowed by Statute.

17a.13 SITE PLAN APPROVAL: Deny:

Reason: Applicant agreed to deletion of this section during the public hearing. Existing language is consistently applied across all zoning districts as applicable and the change would unnecessarily disrupt the fabric of the regulations.

17a.14 DESIGN: Modified to read as follows:

The architectural and site design of all buildings and improvements within the Seaside Preservation District, including typical floor plans and building elevations drawn to scale showing the exterior materials and treatment to be used, shall be submitted. The Plan submission shall

specifically show how the development will result in the adaptive re-use of the Historic Structures. The Plans will demonstrate how all new construction will be integrated into a cohesive and unified development plan. The plans will demonstrate how each of the Historic Structures shall be fully utilized and used primarily for residential dwelling units. The development shall be constructed in accordance with the design plans and the special permit shall specify the manner in which any changes to the design elements may be made. Due to the importance of the architecture of the Historic Structures the application shall include the following in order for the Commission to make a determination that the proposed design is prudent and feasible.

- a) A detailed structural analysis of each building prepared by a professional with specific qualifications to perform such analysis.
- b) A detailed economic feasibility analysis to support any proposed demolition and reconstruction of a Historic Structure.
- c) A report on the plans consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- d) A detailed report on how any new construction complements the Historic Structures and are integrated into the overall site in a manner consistent with these regulations.
- e) Commentary or written review by the State Historic Preservation Officer or the Trust for Historic Preservation or both.
- f) Third party services of a professional in the field of historic preservation selected by the Commission to assist with its review of the proposed development's consistency with the requirements herein. The cost of the service shall be the responsibility of the applicant.

Reasons: provides for a clearer standard of review of the architectural design of all improvements to the buildings new or existing, based on the recommendations of State and Federal agencies responsible for the stewardship of those sites and buildings on the National Register of Historic Places.

17a.15 REVISIONS, EXTENSIONS AND MODIFICATIONS: Deny

Reason: Applicant agreed to deletion of this section during the public hearing. It is expected that the applicant will undertake a public process and submit to the Commission preliminary applications as allowed by Statute.

17a.16 PHASED CONSTRUCTION: Modify and approve as follows

The development may be phased as approved by the Commission for a period of up to 5 years. Thereafter the Commission may grant annual extensions not to exceed a total extension of 5 years. The commission may modify the phasing schedule and specify the timing of the adaptive reuse of the Historic Structures, installation of public improvements including site utilities and the public park and parking areas and the level of improvements required in order to permit the use and occupancy of the development.

Final text is attached and has been adjusted to provide for proper formatting as a result of the Commission's action and may not have the same numbering as listed above. The numbering above reflects the original application's format.

VOTE: 4-0-1, J. Auwood abstaining

D. Award was reseated.

5. ADMINISTRATIVE REVIEW

Request for Roadway Acceptance – Cottage Lane

M. Wujtecwicz stated that the drainage report has been received from the engineer. Staff is still waiting for the completion of the marking of the Conservation Easement area and approval from the Utility Commission.

Request for filing extension and review of revised sewer line – Munsell Resubdivision, 129 Rope Ferry Road

The Commission reviewed the proposed revised sewer connection and request for 90-day extension to file the final plans, because of the change in sewer connection locations.

MOTION: Motion made by J. Auwood, seconded by D. Award, to approve a 90-day extension to file the final plans for the Munsell Resubdivision, 129 Rope Ferry Road.

During discussion of the motion, D. Award asked if a bond will be required for the blasting. M. Wujtecwicz stated that a blasting permit from the Fire Marshal will be required, as well as a blasting survey.

VOTE: 5-0

New deadline for filing final plans: 10/29/11

Buffalo Wild Wings

T. Wagner stated that in response to concerns noted by the Commission, the lighting plan has been revised.

6. CORRESPONDENCE

7. ADJOURNMENT

MOTION: Motion made by G. Hughes, seconded by J. Auwood, to adjourn the meeting at 7:30.

VOTE: 5-0

Respectfully Submitted,

Dawn Choisy
Recording Secretary

SECTION 17a - SEASIDE PRESERVATION ZONING DISTRICT

17a.1 PURPOSE

To transition the Seaside regional center to a productive private use which:

17a.1.1 Results in the adaptive reuse of the Main Building, the Employee Building I, so called, the Duplex and the Superintendent's House (Historic Structures), consistent with each building's original architectural design and the Secretary of the Interiors Standards for the Treatment of Historic Properties.

17a.1.2 Is designed to preserve and complement the architectural style of the Historic Structures

17a.1.3 Integrates and controls all uses and site design to continue the unified and common use of the site.

17a.1.4 Least impacts the adjacent residential neighborhood.

17a.1.5 Provides for public access to the waterfront consistent with the capacity of the coastal resources

17a.2 USES PERMITTED IN THE SEASIDE PRESERVATION DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the Seaside Preservation District, subject to the applicable lot design standards of Section 3.34, if approved by the Commission in accordance with the provisions of Section 23 of these regulations. Any such permitted use noted below shall be subject to the requirement that the Historic Structures be retained, renovated and integrated into the overall development plan. In meeting this objective, said buildings may be added onto or repositioned on the site.

17a.2.1 Clinics, residential and/or special care facilities, for the terminally ill.

17a.2.2 Adult Day Care

17a.2.3 Dwelling Units, subject to the following standards:

17a.2.3.1 No subdivision of the property into separate single family lots shall be allowed.

17a.2.3.2 The commission may limit the number of bedrooms as a condition of granting a special permit.

17a.2.3.3 The density shall not exceed 4 units per acre of buildable area as buildable area is defined in Section 3.34.3.a of these regulations, and which is not otherwise committed to another use, except that the area of the public road maybe counted towards density.

17a.2.4 Non-profit theaters and their ancillary service facilities

17a.2.5 Municipal facilities, public or private parks and playgrounds,

17a.3 ACCESSORY USES PERMITTED IN THE SEASIDE PRESERVATION DISTRICT

The following accessory uses are allowed if subordinate to the principal use(s) specially permitted. The commission may limit the location and operation of an accessory use as a condition of granting a special permit.

17a.3.1 Educational instruction, certification and training.

17a.3.2 Recreation and dining facilities, a community building, spas, physical therapy and personal service uses.

17a.3.3 Meeting facilities.

17a.3.4 Offices

17a.3.5 Day care facilities

17a.3.6. Other similar or customary uses as approved by the commission

17a.4 LOT FRONTAGE & PUBLIC ROAD

17a.4.1 A 24' wide public street with a sidewalk set within a 50' right of way shall be improved and dedicated to the Town of Waterford. No parking will be permitted on this road.

17a.4.2. The street shall extend to a point where fifty feet (50') of frontage is provided to the public access area.

17a.4.3 No driveway access will be allowed across the frontage along Shore Road.

17a.4.4 The required front yard along the frontage of Shore Road shall be suitably landscaped and shall not include any parking areas.

17a.4.5 Access shall be provided from all dwelling units to the new public street for municipal solid waste collection and designed in a manner consistent with current collection practices of the Town of Waterford.

17a.5 MINIMUM SETBACKS

17a.5.1 Front yard: Shore Road: 100 feet,

17a.5.2 Front yard: new public road: 25 feet,

17a.5.3 Other yards along the district boundary adjacent to private property: 75 feet, a 40' landscaped partial visual screen shall be provided along the adjacent property

line.

17a.5.4 Building separation: Minimum separation shall comply with the current Connecticut Building and Fire Codes.

17a.5.5 Special flood hazard zone AE: 50 feet.

17a.6 BUILDING COVERAGE

The aggregate building coverage of all buildings located within this district shall not exceed 15% of the total land area of said district, which includes land dedicated for a public road.

17a.7 MAXIMUM BUILDING HEIGHT

17a.7.1 Maximum building height 35 feet, except that in order to preserve the original architectural design any portion of a Historic Structure that exceeds the Maximum Building Height may be retained.

17a.7.2 Spires, steeples, cupolas, chimneys, flagpoles, and similar features may be erected an additional 12 feet above the maximum building height established herein subject to:

17a.7.2.1 Occupying in the aggregate not more than 10 percent of the total roof area,

17a.7.2.2 Not being used for human occupancy

17a.7.2.3 Being incorporated into the design of the building.

17a.7.3 Addition(s) to the Historic Structures shall conform to the Maximum Building Height.

17a.8 OFF-STREET PARKING

Off-street parking areas, access drives, landscaping and other requirements shall be provided in accordance with the provisions of Section 20 of these regulations. In the interest of reducing the amount of impervious surfaces, the commission may grant modifications to the provisions of section 20. Modification requests shall include the nature of the modification, amount of the reduction and justification for the granting of the modifications. The commission may modify or condition the approval of a modification to the parking requirements.

17a.9 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

17a.10 ENVIRONMENTAL PROTECTION

17a.10.1 No development shall be undertaken within this district nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

17a.10.2 A storm water management plan shall be submitted, which mitigates any impact the use of this site has on water quality. The storm water management system shall, based on available technology, have the ability to treat the first inch of runoff to remove 80% of total suspended solids, oils, chemicals and floatable debris. Best management practices to control pollution at the source shall be specified.

17a.10.3 The total area which is impervious to the infiltration of storm water shall be limited to 30% of the site and including the area of the public road.

17a.11 OPEN SPACE & RECREATION

All areas not approved for development as defined shall be set aside as permanent open space or recreation area in perpetuity to be held in common by the owners within the district. The use, maintenance and preservation of all common areas, including open space and recreation areas, shall be controlled by an association of common owners organized pursuant to Connecticut's Common Interest Ownership Act. Association documents governing this obligation shall be submitted to the Commission for approval. All exterior common and limited common areas shall be delineated on the site plan required by Section 12 below.

17a.11.1 The area below elevation 12' and any adjacent area which the commission determines will facilitate public access shall be set aside as a public park and improved as required by the Commission. The Commission may allow land above elevation 12' to be substituted for the same amount of land below 12' in determining the area to be set aside for public access, provided however that any such substituted land must be contiguous to, and become a part of the public park.

17a.11.2 A Conservation and Public Access Easement over the public park and parking area shall be conveyed to the State with the Town as its successor. An agreement governing the use, operation, improvement and maintenance of the public park and parking area shall be submitted and may be conditioned as part of granting a special permit

17a.11.3 Passive recreation facilities serving residents of the dwelling units shall be located and improved on the basis of 500 square feet per residential dwelling unit. If approved by the Commission, required recreation area may include land set aside to meet the requirement of Section 17a.11.2 herein. Furthermore, where the Commission finds that either adequate outdoor facilities currently exist to serve the recreational needs of the occupants of the Seaside Preservation District, or that proposed indoor facilities will suitably provide for such recreational needs, the Commission may waive either a portion of or all of the requirements of Section 17a.11.3 of these regulations.

17a.11.4 The commission may require a system of trails and sidewalks within the development to provide access between buildings, uses and for recreational purposes.

17a.11.5 Public parking for at least 25 vehicles including van accessible handicapped/senior spaces shall be provided and located for convenient access to the park. The commission may require additional public parking areas be established in a location necessary to support acceptable public uses.

17a.12 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations and the purpose of this district, and no building or structure, parking lot, or outdoor use of land, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission. The development shall be constructed in accordance with these Regulations and the site plan as approved by the Commission. Changes to the approved plans may be made, the extent of which shall be set forth in the special permit.

17a.13 DESIGN

The architectural and site design of all buildings and improvements within the Seaside Preservation District, including typical floor plans and building elevations drawn to scale showing the exterior materials and treatment to be used, shall be submitted. The Plan submission shall specifically show how the development will result in the adaptive re-use of the Historic Structures. The Plans will demonstrate how all new construction will be integrated into a cohesive and unified development plan. The plans will demonstrate how each of the Historic Structures shall be fully utilized and used primarily for residential dwelling units. The development shall be constructed in accordance with the design plans and the special permit shall specify the manner in which any changes to the design elements may be made. Due to the importance of the architecture of the Historic Structures the application shall include the following in order for the Commission to make a determination that the proposed design is prudent and feasible.

17a.13.1 A detailed structural analysis of each building prepared by a professional with specific qualifications to perform such analysis.

17a.13.2 A detailed economic feasibility analysis to support any proposed demolition and reconstruction of a Historic Structure.

17a.13.3 A report on the plans consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

17a.13.4 A detailed report on how any new construction complements the Historic Structures and are integrated into the overall site in a manner consistent with these regulations.

17a.13.5 Commentary or written review by the State Historic Preservation Officer or the Trust for Historic Preservation or both.

17a.13.6 Third party services of a professional in the field of historic preservation selected by the Commission to assist with its review of the proposed

development's consistency with the requirements herein. The cost of the service shall be the responsibility of the applicant.

17a.14 PHASED CONSTRUCTION

The development may be phased as approved by the Commission for a period of up to 5 years. Thereafter the Commission may grant annual extensions not to exceed a total extension of 5 years. The commission may modify the phasing schedule and specify the timing of the restoration of the historic structures, installation of public improvements including site utilities and the public park and parking areas and the level of improvements required in order to permit the use and occupancy of the development.