

## MINUTES

Planning & Zoning Commission  
Waterford Town Hall

June 13, 2011  
7:00 PM

Members Present: E. Maguire, G. Hughes, D. Award, T. Ward  
Members Absent: J. Auwood  
Alternates Present: A. Laben, B. Chenard  
Alternates Absent: (1 vacancy)  
Staff Present: T. Wagner, M. Wujtewicz, M. FitzGerald, D. Choisy  
Also Present: Town Attorney Robert Avena

### 1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Maguire called the meeting to order at 7:00. B. Chenard was appointed to sit for J. Auwood.

### 2. APPROVAL OF MINUTES

**MOTION:** Motion made by T. Ward, seconded by G. Hughes, to approve the minutes of the June 6, 2011 special meeting minutes as written.

**VOTE:** 4-0-1, B. Chenard abstaining.

### 3. PUBLIC HEARING

**#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 (Seaside Preservation District).

Chairman Maguire opened the public hearing.

Commissioner D. Award stated that he had been requested by the applicant's attorney to recuse himself from this application due to the fact that he is an abutting property owner (Exhibit O). After consulting with the Town's attorney, he is recusing himself from participating on this application.

Chairman Maguire read the exhibits into the record:

EXHIBIT A - Application and support materials.  
EXHIBIT B - Notice of Public Hearing advertised in the Day newspaper on May 30, 2011 and June 6, 2011  
EXHIBIT C - Staff and Agency Comment Sheet  
EXHIBIT D - Certified Copy of the Zoning Regulations, Effective Date: August 19, 2010  
EXHIBIT E - Referral pursuant to Section 22A-104(e) dated May 12, 2011 to Daniel

- EXHIBIT F - Esty, Commissioner, Department of Environmental Protection  
Letter dated June 8, 2011 from Helen Higgins, Executive Director, CT Trust for Historic Preservation to the Planning and Zoning Commission, Re: Proposed Amendments to the Seaside Preservation Zoning District.
- EXHIBIT G - e-mail correspondence to Town Clerk from Debby Green dated June 8, 2011
- EXHIBIT H - The Connecticut Law Reporter, May 23, 2011 ó The Cadle Co. v. Mark S. Steiner et al. Superior Court at Hartford, No. CV 05-4018721-S, Memorandum Filed February 10, 2011 ó Received by Commissioner Thomas Ward-in the mail unsolicited with no return address.
- EXHIBIT I - Memo dated June 9, 2011 to Thomas V. Wagner from Mark Wujtewicz, Re: Proposed regulation amendments, Seaside Preservation District PZ2011-009
- EXHIBIT J - Letter dated June 9, 2011 to the Zoning and Planning Commission of Waterford from residents Yvonne and Jeff Sims, 15 Magonk Point Road, Regarding: the application by Mark Steiner/Seaside in Waterford, LLC
- EXHIBIT K - Letter dated June 9, 2011 to neighbors of Seaside from Mark Steiner, Seaside in Waterford, LLC
- EXHIBIT L - Traffic Access and Impact Evaluation, Village at Seaside, Waterford, Connecticut dated June 2011 prepared by Frederick P. Clark Associates, Inc.
- EXHIBIT M - Letter dated June 7, 2011 to the Planning & Zoning Commissioners from Robin Ryan, 15 Woodsea Place
- EXHIBIT N - Purchase and Sale Agreement concerning the former Seaside Regional Center at 36 Shore Road, Waterford, by and between Seaside in Waterford, LLC and the State of Connecticut, acting through its Department of Public Works
- EXHIBIT O - Letter dated June 8, 2011 to Planning & Zoning Commission, Attention: Commissioner Dana Award, from Attorney Lewis K. Wise, Re: Application of Seaside in Waterford, LLC to Amend Zoning Regulations
- EXHIBIT P - Letter dated June 13, 2011 to Thomas Wagner from David Bahlman, State Historic Preservation Officer
- EXHIBIT Q - e-mail correspondence dated June 13, 2011 to Mark Wujtewicz from Kristal Kallenberg-Dorismond, DEP Office of Long Island Sound Programs
- EXHIBIT R - e-mail correspondence dated June 7, 2011 from Tom Wagner to Susan Chandler, Subject: Seaside Center, Shore Road, Waterford, CT
- EXHIBIT S - Article from State Historic Preservation Commission with attached definitions
- EXHIBIT T - Memo dated June 13, 2011 to the Planning & Zoning Commission from Maureen FitzGerald, Re: PZ2011-009 ó Application to Amend Section 17a, Seaside Preservation District, along with Section VI of the Town of Waterford Inland Wetlands and Watercourses Regulations.
- EXHIBIT U - Memo dated June 13, 2011 from Maureen FitzGerald to the Planning and Zoning Commission, Re: Proposed Modifications to the Seaside Zoning District

Chairman Maguire appointed A. Laben to sit for D. Award.

Attorney Lewis Wise, representing Seaside LLC addressed the Commission. He stated that he had a copy of e-mail correspondence between resident Kathy Jacques and Attorney Rich Cody. The e-mail states that the neighbors have been communicating with a member of the Commission. He requested that Ms. Jacques be asked which member of the Commission she has been communicating with. Attorney Robert Avena stated that Ms. Jacques cannot be forced to answer that question, but requested that the Commission members be asked if they have had improper contact with anyone either for or against the application. All seated Commission members stated that they have had no improper contact with anyone either for or against the petition. The e-mail correspondence was entered into the record as Exhibit V.

Attorney Wise stated that the focus of this hearing is to amend the text for the Seaside Preservation District, and noted that the Commission has broad discretion in amending the regulations. He reviewed Mr. Steiner's history with the Seaside site. The Commission approved the Seaside Preservation District regulation in 2003. Due to legal and governmental issues, Mr. Steiner's purchase of the property has been delayed until now, and Mr. Steiner's purchase of the site from the State is contingent on obtaining all necessary permits from the Town.

Attorney Wise stated that conditions on the site have changed since the regulation was adopted, and the proposed regulation amendments will accommodate the changes that have occurred on the site. He reviewed the requested amendments and the reasons they are being requested as contained in the application materials (Exhibit A). Attorney Wise referred to the letter to Thomas Wagner from David Bahlman, State Historic Preservation Officer (Exhibit P), and the letter from the Executive Director of the CT Trust for Historic Preservation (Exhibit F). He stated that the applicant has no objection including the recommendations contained in those letters to the regulation amendments.

Mike Cegan, Principal Planner of Richter & Cegan began a slide presentation. He reviewed what will not change with the proposed regulation amendments, including density, lot frontage on the public road, setbacks, buffers, building coverage, building height, environmental protection, open space and recreation. He reviewed a conceptual plan for the proposed public park. He stated that a Traffic Access and Impact Evaluation had been submitted (Exhibit L).

Brian Miller of Turner Miller Group reviewed information contained in an Analysis of Fiscal Impact, submitted into the record as Exhibit W, explaining the reasons why an over 55 development is no longer relevant or financially viable.

Cece Saunders of Historical Perspectives, Inc. reviewed photographs of the exterior and interior of some of the historic buildings on the site, and noted that there has been much water damage over the years. The extent of the damage and the feasibility of renovating the buildings will not be known until further inspections are performed by a structural engineer. She reviewed conceptual building designs to illustrate how the original architectural themes can be replicated into the existing buildings and repeated in the new.

M. Cegan reviewed the various elements involved with the replication and complementary additions, that were done when the Ocean House in Watch Hill Rhode Island was reconstructed.

Attorney Wise stated that the applicant is proposing a 2-step process for special permit and site plan approvals similar to the process in Section 19 of the regulations. The first step would be to apply for a Special Permit without submitting the materials required for a detailed site plan approval. If the Special Permit is approved, the applicant will be required to file a full detailed site plan which must be consistent with the Special Permit approval. The extent of the development will not exceed the limitations established within Section 17a.1 ó 17a.16.

Attorney Wise reviewed comments forwarded from the Conservation Commission (Exhibit T) and also comments received from M. Wujtewicz (Exhibit I).

Mark Steiner gave a brief summary of the proposed regulation amendments and the reasons for the requested modifications.

Chairman Maguire asked if there was anyone in the audience who wished to speak regarding this application.

Debby Green of 9 Woodsea Place submitted into the record as Exhibit X a protest petition which she stated was signed by more than 50% of the neighbors requiring that the proposed regulation amendments shall not be adopted except by a vote of two-thirds of the Commission members. She also submitted a Pleading for Intervention, which was entered as Exhibit Y and given to Attorney Avena and Attorney Wise to review. Ms. Green read a letter into the record and submitted it as Exhibit Z.

Robert Corriveau of 296 Millstone Road East spoke in favor of the proposed amendments.

Philip Antupit of 14C Shore Road stated concerns regarding the proposed dining facility and how the taxes of the immediate neighbors will be affected.

John Steffian of Shore Road stated that he thinks the wording of the amendments is too general.

Ingrid Macesker of 189 Great Neck Road opposed the demolition of the buildings, and stated concerns that there will be many more children in the development than the applicant claims, causing taxes to be raised.

Robert Kruzewski of 4 Norwich Road stated concerns that people don't want children to come to town.

Mike Turner of 3 Hillcrest Drive spoke in favor of the application.

Dale Green of 9 Woodsea Place stated concerns with who will determine the fate of the historic buildings, the 2-step permitting process and the provision allowing modifications to the approved plans.

Kathy Jacques of 10 Magonk Point Road stated that she was surprised that an e-mail she sent was submitted at this meeting. She stated that the neighbors have always had concerns with what the developer's final design will be, and they still have no answers.

John Morgan of 7 West Strand said that the Town should think about keeping the property. He stated concern with construction traffic.

Carolyn MacAvoy of Rope Ferry Road stated concerns with the historical value of the buildings and the timing of the project.

Tony Sheridan of 318 Great Neck Road spoke in favor of the application, stating that he feels that the requests are reasonable.

A resident asked how the project will give back to the Town.

John O'Neill of 121 Great Neck Road, stated that the buildings can be restored, but can be very expensive. He asked what was going to be preserved, the buildings or the developer's bottom line.

Attorney Avena asked Attorney Wise to comment on the intervener request received from Ms. Green. Attorney Wise stated that the request for intervention should be denied because the standards for interventions must allege conduct which is reasonably likely to have the effect of unreasonably polluting an area or destroying the public trust of the air, water or other natural resource, which would include historic structures. The applicant is not proposing the destruction of anything. This application is just a text amendment. Chairman Maguire suggested that the Commission table action on the intervener request until the next meeting. Attorney Avena stated that the request should be the first item that the Commission acts on at the next meeting.

The public hearing was continued to June 27, 2011.

#### **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 (Seaside Preservation District).

This public hearing is still open.

#### **5. RECEIPT OF APPLICATIONS**

No new applications were received.

#### **6. ADMINISTRATIVE REVIEW**

Request for Roadway Acceptance – Cottage Lane

There was no new information on this request.

Request for Certificate of Zoning Compliance for Occupancy – Connecticut Humane Society

**MOTION:** Motion made by T. Ward, seconded by A. Laben, to authorize Staff to sign off on the Certificate of Zoning Compliance for Occupancy pending completion of any outstanding items.

**VOTE:** 5-0

**MOTION:** Motion made by T. Ward, seconded by B. Chenard, to vote the Fiscal Year 2010/11 Budget, Additional Appropriations onto the agenda.

**VOTE:** 5-0

**MOTION:** Motion made by T. Ward, seconded by B. Chenard, to approve the following additional appropriation:

To:            10110 81810            Overtime            \$350

**VOTE:**        5-0

## **7.        CORRESPONDENCE**

## **8.        ADJOURNMENT**

**MOTION:** Motion made by A. Laben, seconded by B. Chenard, to adjourn the meeting at 9:50.

**VOTE:**        5-0

Respectfully Submitted,

Dawn Choisy  
Recording Secretary