

MINUTES

Planning & Zoning Commission
Waterford Town Hall

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WATERFORD, CT

16 MAY 26 AM 9:05

May 23, 2016

ATTEST: *David L. Lopez* 6:30 PM
TOWN CLERK

Members Present: J. Auwood, J. Bunkley,
Members Absent: S. Stotts, B. Chenard (1 vacancy)
Alternates Present: M. Mazzella
Alternates Absent: E. Maguire, (1 vacancy)
Staff Present: A. Piersall, Planning Director; M. Wujtewicz, Planner; T. Lane,
Zoning Official; D. Choisy, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Auwood called the meeting to order at 6:30 and appointed M. Mazzella to sit for B. Chenard.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Bunkley, seconded by M. Mazzella, to approve the minutes of the May 9, 2016 meeting as written.

VOTE: 3-0

3. RECEIPT OF APPLICATIONS

#PL-16-10 – Application made by Waterford Planning & Zoning to amend Sections 1 (Definitions) and Section 21 (Signs) of the Zoning Regulations.

A. Piersall stated that this application is in order for receipt, and will be scheduled for a public hearing on June 13, 2016.

4. PUBLIC HEARING

#PL-16-3 – Request of Picardi Realty, owner; Kincora Development LLC applicant, to change the zone for property located at 122-124 Boston Post Road from C-G (General Commercial) to PDD-1 (Planned Design District).

Chairman Auwood opened the public hearing and read the following exhibits into the record:

EXHIBIT 1 - Application and Support Material
EXHIBIT 2 - Notice of Public Hearing advertised in the Day newspaper on May 9, 2016 and May 16
EXHIBIT 3 - Hearing Notification letter to applicant dated May 6, 2016 along with certificates of mailing.
EXHIBIT 4 - Market Analysis-Family Bowl Property, 124-128 Boston Post Road, Waterford, dated March 30, 2016 prepared by Saugatuck Commercial Real Estate LLC
EXHIBIT 5 - Master Design Plan Narrative, Planned Design District #1, 122-124 Boston Post Road received April 1, 2016

- EXHIBIT 6 - Document titled "Development & Architectural Standards" dated May, 2016
- EXHIBIT 7 - Memorandum dated March 31, 2016 to William H. McCabe III, Kincora Development from Jason Adams, McMahon Transportation Engineers & Planners RE: Trip Generation Comparison, Family Bowl Redevelopment, Waterford, CT
- EXHIBIT 8 - Traffic Impact Study prepared by McMahon Associates dated October, 2015
- EXHIBIT 9 - Plan titled "Master Design Plan for 122-124 Boston Post Road, Waterford, CT" revised through 5/4/2016
- EXHIBIT 10 - Letter dated April 25, 2016 to William Sweeney, Esq from Mark Wujtewicz, Town of Waterford Staff Review Comments
- EXHIBIT 11 - Certified copy of the Zoning Regulations effective date: August 21, 2015
- EXHIBIT 12 - Certified copy of the Zoning Map, revised through June 1, 2010
- EXHIBIT 13 - Memorandum dated 12/15/15 to Abby Piersall from Fred Greenberg, PE, BL Companies, Subject: Updated Traffic Peer Review
- EXHIBIT 14 - Staff Report dated May 23, 2016 prepared by M. Wujtewicz
- EXHIBIT 15 - Section 19 of the Zoning Regulations – Planned Design District (PDD)
- EXHIBIT 16 - Pages 48 – 52 of the 2012 Plan of Preservation, Conservation and Development – Overall Structure
- EXHIBIT 17 - Pages 58 – 60 of the 2012 Plan of Preservation, Conservation and Development – Business/Economic Development

Attorney William Sweeney, representing the applicant, addressed the Commission. Also present were Bill McCabe and Mark Mancuso of Kincora Development, engineer Brian McCarthy of RJ O'Connell and traffic engineer Jason Adams of McMahon Associates. Attorney Sweeney briefly reviewed the history of the site, and entered into the record as Exhibit 18 a series of photographs of the existing site.

Attorney Sweeney reviewed the Planned Design District regulation (Exhibit 15), noting that this application does not have the same level of detail that is required for a site plan application. He reviewed the site, and stated that the existing Webster Bank has a long term lease, and that portion of the site will not be changed. Because of the steep topography of the site, a large amount of fill will be required in order to level the site. A long-term anchor tenant for one of the proposed buildings on the property has been secured.

Brian McCarthy reviewed the existing conditions on the site and the proposed conceptual plan, noting that 3 new buildings are proposed, with 160 parking spaces. The existing driveway will be used to access the site, and will be improved with new striping and signage. There will be an exit only driveway onto Miner Lane, and it has been designed to accommodate fire apparatus and delivery trucks. He reviewed the proposed on-site traffic circulation and proposed landscaping. A detailed stormwater management plan will be provided at the time of site plan submittal.

Attorney Sweeney reviewed the Development & Architectural Standards document (Exhibit 6).

Jason Adams reviewed the information contained in the Traffic Impact Study (Exhibit 8).

J. Bunkley asked if the circulation calculations for the exit onto Miner Lane included ladder trucks. B. McCarthy stated that the design had been reviewed with the Fire Marshall's office.

J. Auwood asked if a sidewalk along the exit drive onto Mainer Lane had been considered. B. McCarthy stated that it had however, the slope is too steep. The sidewalk would not meet required ADA criteria.

A. Piersall stated that verbal comments had been received from the Fire Marshall, and he may want to look at the plan again.

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

There being no further questions or comments, the public hearing was closed at 7:45.

#PL-16-7 – Request of Laraine Renehan, owner, Rob & Laraine Renehan, applicants, for a 12-lot re-subdivision for property located at 20 Doyle Road and 153 Niantic River Road, R-40 zone, as shown on plans entitled "Kathryn Court Estates" dated November 12, 2015 revised to March 23, 2016, sheets 1 through 16. A coastal site plan review is required in accordance with the Coastal Management Act.

Chairman Auwood opened the public hearing and read the following exhibits into the record:

- EXHIBIT 1 - Application and Support Material:
 - 1. P&Z Application and abutter list
 - 2. Application for Coastal Area Management Site Plan Permit
 - 3. Drainage Report dated November 12, 2015 revised to Jan. 6, 2016
- EXHIBIT 2 - Notice of Public Hearing advertised in the Day newspaper on May 9, 2016 and May 16, 2016
- EXHIBIT 3 - Hearing Notification letter to applicant dated May 6, 2016 along with certificates of mailing.
- EXHIBIT 4 - Plans titled "Kathryn Court Estates" dated November 12, 2015 revised to May 12, 2016
- EXHIBIT 5 - Report of Conservation Commission Action: 20 Doyle Road & 153 Niantic River Road, Inland Wetland Permit #C-15-12, dated April 20, 2016 with attached Inland Wetlands and Watercourses Permit #C-15-12
- EXHIBIT 6 - Letter dated April 25, 2016 to Kristal Kallenberg, DEEP/OLISP from Mark A. Wujtewicz, RE: Application #PL-16-7, 12 Lot Residential Subdivision, 20 Doyle Road and 153 Niantic River Road, Waterford, Connecticut
- EXHIBIT 7 - Staff review comments dated May 3, 2016
- EXHIBIT 8 - Draft Conservation Easement
- EXHIBIT 9 - Draft Homeowner's Association Declaration
- EXHIBIT 10 - Draft legal documents for Kathryn Court Estates
- EXHIBIT 11 - Letter dated March 21, 2008 to Rob Renehan from Nicholas Bellantoni, CT State Archaeologist, RE Propose Subdivision, Dove and Niantic River Roads, Waterford, CT
- EXHIBIT 12 - e-mail correspondence from Ron Elkin to Mark Wujtewicz dated May 23, 2016
- EXHIBIT 13 - Memo dated May 20, 2016 from Maureen FitzGerald to Mark Wujtewicz RE: Comments on revised plans and documents
- EXHIBIT 14 - Marketing documents – Kathryn Court Estates

Engineer D. Gerwick of Gerwick-Mereen LLC presented this application to the Commission, and

submitted into the record as Exhibit 15 a letter to D. Gerwick from Dawn McKay, CT DEEP regarding a National Diversity Data Base determination. He stated that in 2005 the Commission had approved a 14-lot cluster resubdivision on this property that was proposed to be connected to the municipal sewer system. The applicant is now proposing a traditional R-40 subdivision, and the lots will be served by municipal water and on-site septic systems. An 800-foot cul-de-sac is proposed off Doyle Road. Eight lots will be on the cul-de-sac, and two flag lots are proposed on Niantic River Road. There is also a small waterfront parcel of land on Niantic River Road, across from the flag lots that is included in the project. The applicant is proposing almost 15 acres of open space area that will abut with adjacent private open space areas associated with other subdivision developments. He stated that the lots were reviewed by the Ledge Light Health District and found to be suitable for 4-bedroom homes. He reviewed the stormwater discharge from the site and the proposed stormwater management plan. He noted that a permit was issued by the Conservation Commission.

M. Wujtewicz stated that the previously approved subdivision was not developed, and some of the modifications and conditions from that approval are still relevant. The property is located in the Coastal Area Management area, and any impacts to natural and cultural resources will need to be mitigated. He noted a preliminary review was conducted by the Office of State Archeologist for the previous application (Exhibit 11), and as a result it was determined that there were areas of historical significance. Staff is recommending that the Office of the State Archeologist be contacted for review of this application. The Environmental Planner has submitted additional comments into the record (Exhibit 13). The proposed Homeowner's Association documents are currently under review by the Town's attorney. A cost estimate for all public improvements needs to be submitted. If any development is proposed on the waterfront parcel, a separate CAM application will need to be submitted to the Commission.

A. Piersall referred to the e-mail received from R. Elkin (Exhibit 12), and stated that Section 8-25 of the State Statutes prohibits the marketing of lots prior to subdivision approval.

Chairman Auwood asked if anyone in the audience wished to speak regarding this application.

R. Ager of 14 Doyle Road stated concerns that the previous forestry operation on the site may have damaged some of the areas of historical significance. He also stated concerns with the ability of fire apparatus to access the lots, and the lack of a buffer area.

D. Kolka of 12 Doyle Road stated concerns with blasting.

E. Murphy of 23 Doyle Road referred to the marketing documents (Exhibit 14), and questioned what types of homes will be built.

R. Elkin of 8 Doyle Road stated that he believes that the sites will not support on-site septic systems.

D. Gerwick stated that a new archeological assessment will be performed. The buffer area proposed with the previous application was a requirement of the cluster subdivision regulations. There will be no issues with fire apparatus accessing the lots. A pre-blast survey will be as required. He reviewed the access and maintenance to the basin, the open space and Conservation Easement area. The Health District will have to approve each individual septic system design for each lot prior to

T. Lane asked who will be responsible for maintenance of the culvert between lots 3 & 4. D. Gerwick replied that that information can be added into the HOA documents.

J. Bunkley asked if the comments in the Environmental Planner's memo have been addressed. M. Wujtewicz replied that they have not been addressed, and can be a condition of approval if the Commission votes to approve this application.

There being no further questions or comments, the public hearing was closed at 8:49.

5. APPLICATION REVIEWS

#PL-16-3 – Request of Picardi Realty, owner; Kincora Development LLC applicant, to change the zone for property located at 122-124 Boston Post Road from C-G (General Commercial) to PDD-1 (Planned Design District).

A. Piersall stated that Staff's concerns have all been addressed.

MOTION: Motion made by J. Bunkley, seconded by M. Mazzella, to approve application #PL-16-3.

VOTE: 3-0,

EFFECTIVE DATE: 6/16/16

#PL-16-7 – Request of Laraine Renehan, owner, Rob & Laraine Renehan, applicants, for a 12-lot re-subdivision for property located at 20 Doyle Road and 153 Niantic River Road, R-40 zone, as shown on plans entitled "Kathryn Court Estates" dated November 12, 2015 revised to March 23, 2016, sheets 1 through 16. A coastal site plan review is required in accordance with the Coastal Management Act.

A. Piersall stated that there were still items that needed to be addressed. It was the consensus of the Commission to continue discussion of this application at the June 13, 2016 meeting.

6. CORRESPONDENCE

Letter dated 5/18/2016 to the Planning & Zoning Commission from the Oswegatchie Neighborhood Community

A. Piersall stated that this correspondence was submitted to the Commission in response to neighbors concerns regarding an application to allow Bed and Breakfast establishments in the Town. The Commission briefly discussed the need to define where B&B's should be allowed. M. Wujtewicz stated that the Towns Zoning Regulations are structured as permissive regulations. As structured, any uses that are not listed in the Zoning Regulations are prohibited. Currently, Bed and Breakfast Establishments are not a listed use in the Zoning Regulations and therefore are prohibited in Waterford. A. Piersall noted that the proposed regulation amendments for Mago Point and Jordan Village may have a provision to allow them.

It was the consensus of the Commission to direct Staff to research the concept of Bed and Breakfasts and impacts to local communities.

7. ADMINISTRATIVE REVIEW

Nothing was reviewed.

8. ADJOURNMENT

MOTION: Motion made by M. Mazzella, seconded by J. Bunkley, to adjourn the meeting at 9:11.

VOTE: 3-0

Respectfully Submitted,



Dawn Choisy

Recording Secretary