

RECEIVED FOR RECORD
WATERFORD, CT

MINUTES

16 JUN 16 PM 1:39

Planning & Zoning Commission
Waterford Town Hall

June 13, 2016
6:30 PM

ATTEST: *Brian M. Lopez*
TOWN CLERK

Members Present: J. Auwood, S. Stotts, B. Chenard
Members Absent: J. Bunkley, (1 vacancy)
Alternates Absent: E. Maguire, M. Mazzella (1 vacancy)
Staff Present: A. Piersall, Planning Director; 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.

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

4. PUBLIC HEARING

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

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

- EXHIBIT 1 - Application
- EXHIBIT 2 - Notice of Public Hearing advertised in the Day newspaper on May 30, 2016 and June 6, 2016
- EXHIBIT 3 - Proposed Modifications to the Waterford Zoning Regulations, Sections 1 and 21
- EXHIBIT 4 - Memo dated May 17, 2016 to the Planning and Zoning Commission from Abby Y. Piersall
- EXHIBIT 5 - Memo dated June 13, 2016 to the Planning and Zoning Commission from Abby Y. Piersall

A. Piersall stated that the intent of the amendment is to clarify definitions and standards related to signs and simplify administration and enforcement. The proposed regulations were drafted to be content-neutral. The regulations need to be simpler to follow and enforce. She reviewed the proposed regulation amendment (Exhibit 3) with the Commission.

The Commission reviewed the Staff Report dated June 13, 2016 (Exhibit 5). S. Stotts asked if the existing electronic billboard on Route 85 is allowed under the new regulations. T. Lane replied that that billboard is on private property, and the property owner went to the ZBA to get approval.

B. Chenard asked if political signs would be an enforcement issue. T. Lane replied that they would be.

B. Chenard stated concerns that the Town can't regulate the content of signs, and asked if that could be added into the blight ordinance. A. Piersall stated that it may be able to be added into the blight ordinance; however, the Town Attorney would need to be consulted.

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 6:43.

5. APPLICATION REVIEWS

#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.

Commissioners Stotts and Chenard stated for the record that they had both listened to the recording of the public hearing, as well as reviewed the exhibits.

A. Piersall noted that approval of this application, if approved, will supersede the previous approval granted in 2005. She stated that a memo from K. Kallenberg of DEEP/OLISP was received after the hearing was closed.

A. Piersall reviewed the Staff report dated June 13, 2016 with the Commission. The Commission reviewed the findings and conditions contained in the Staff report, and requested modifications to the conditions of approval. A. Piersall stated that all conditions of Conservation Commission permit #C-15-12 be incorporated into the approval. The Department of Public Works has asked that specific easement language be filed to permit the Town to enter onto the property to maintain or repair the basin at the expense of the Homeowners Association if required maintenance has not been conducted. The easement boundaries need to be clarified. The HOA documents need to be updated, and approved by the Town Attorney. The applicant has indicated that he would like the Commission to grant a conditional approval.

MOTION: Motion made by B. Chenard to conditionally approve the proposed Kathryn Court subdivision and Coastal Site Plan, at 20 Doyle Road and 153 and 152A Niantic River Road with conditions 1-18 and adopt findings a-j.

S. Stotts requested that A. Piersall review the changes to the conditions as discussed. A. Piersall reviewed the changes to the conditions as requested by the Commission. S. Stotts seconded the motion.

VOTE: 3-0

Findings:

- a. The proposed activity, pursuant to conditions 1, 9, 11, 13 and 14 is consistent with the coastal policies in Section 22a-92 of the Connecticut General Statutes.
- b. The proposed activity pursuant to conditions 1, 9, 11, 13 and 14 incorporates as conditions or modifications all reasonable measures which would mitigate the adverse

- impacts of the proposed activity on both coastal resources and future water-dependent development activities.
- c. The proposed activity, as conditioned, is consistent with Chapter 126 § 8-25 of the Connecticut General Statutes.
 - d. The project, as conditioned, conforms to Section 3.34 and the dimensional requirements of Section 5 of the Waterford Zoning Regulations.
 - e. The project, as conditioned, conforms to Section 25.4 of the Waterford Zoning Regulations
 - f. The project, as conditioned, conforms to Sections 25.5 of the Waterford Zoning Regulations.
 - g. The project, as conditioned, conforms to Sections 3-7 of the Waterford Subdivision Regulations.
 - h. The project, as conditioned, is consistent with the Waterford Plan of Conservation and Development, as amended.
 - i. This approval supersedes the previous subdivision approval on 10/17/05 for the same parcel.
 - j. This project is subject to conditional approval.

Conditions:

1. Special conditions 1-13 and standard conditions 1-5 of the Inland Wetlands and Watercourses Permit (C-15-12) are hereby incorporated as conditions of the Planning and Zoning Commission approval.
2. Prior to endorsement of the final plans, all Homeowners Association Documents and Easements shall be submitted to Town Counsel for review and approval. The drainage easement shown on sheet 3 of 16 on lots 2, 3 and 4 shall be clarified and shall not be granted in favor of the Town of Waterford. Drainage easement areas, the proposed parking area and 152A Niantic River Road shall be excluded from the required Conservation Easement. The proposed parking area and 152A Niantic River Road shall be noted as open space.
3. Prior to the endorsement of the final plans an access easement shall be granted to the Town of Waterford to allow access to the drainage basin for inspection and remedial maintenance and to recover any costs associated with said maintenance from the HOA. The easement shall be reviewed and approved by Town Counsel. HOA documents shall specify a requirement that an annual inspection report, prepared by a CT Professional Engineer, be provided to the Town to demonstrate that the HOA is maintaining the stormwater basin and to confirm the presence and continued operation of required rain gardens. The HOA shall place sufficient funds in an escrow account to provide for inspections and maintenance as required.
4. Prior to endorsement of the final plans, the following plan corrections shall be made:
 - a. Notes 5&6 on Sheet 14 of 16 shall indicate Hydrants and Valves Open Right, not Left, pursuant to Town's Water Installation Standards.
 - b. Side yard setbacks noted in the table on sheet 3 of 16 shall be 25 feet for all lots in conformance with R-40 zone district requirements.
 - c. The title of sheet 4 of 16 shall be revised to read "Plan" instead of "Plad."
 - d. Plan Comments noted on Exhibit 13 shall be addressed.
 - e. The width of the roadway between the fire hydrant at the end of the cul-de-sac and catch basin 6 on sheet 9 of 16 shall be examined to ensure adequate

pavement width for all Town fire equipment to complete the turn. Any required changes to the roadway width shall be made on all relevant plan sheets prior to endorsement.

- f. References to the "West Farms" Land Trust shall be changed to the "Waterford" Land Trust.
5. Prior to endorsement of the final plans, the developer shall provide an estimate of improvement costs and the costs of erosion and sediment controls for review and approval by the Director of Public Works.
6. Prior to the endorsement of final plans, the bond instruments for public improvements, the stormwater basin and erosion and sediment controls shall be submitted for review and approval.
7. Prior to the start of work, the property owner shall notify the CT State Archaeologist of upcoming work and to schedule field testing. The property owner(s) shall notify the Planning and Zoning Commission at least 48 hours before the scheduled field testing and shall provide any results to the Commission.
8. Should blasting be required in order to construct public improvements or individual lots, a pre-blast condition survey shall be required, at a minimum, for each property that abuts the area to be blasted. Per CT Statute, the Fire Marshal shall make all final determinations on requirements for pre-blast condition surveys.
9. Inspection reports shall be provided by a CT Professional Engineer certifying that the drainage basin was observed to be constructed in accordance with the approved plans.
10. Prior to the issuance of any building permits, all Phase I and II construction shall be completed and as-built plans for all drainage and utility infrastructure shall be submitted to the Town for review and approval. Completion of Phase I and II construction shall include all required sediment and erosion controls and site stabilization noted in the Sediment and Erosion Control Plan.
11. Prior to issuance of Zoning Compliance permits for each lot, plans for the required rain gardens on the lot shall be provided for review and approval. These plans shall be designed by a Professional Engineer and shall be sized to treat the first inch of runoff for all impervious surfaces on site, including roofs.
12. All disturbed areas on individual lots shall be brought to finished grade and stabilized with plantings, trees, grass or other permanent cover prior to issuance of a Certificate of Occupancy, or if a bond is posted to cover the cost of stabilization, within 30 days of the issuance of a Certificate of Occupancy.
13. 152A Niantic River Road shall be accessible to the public in conformance with Coastal Area Management Principles at such time as any improvements to the parcel are made. Future improvements shall be subject to a Coastal Site Plan Review.
14. At least 20% of the parking area shown on the final plans shall be accessible to the public in support of providing public access to the Niantic River in support of Coastal Area Management principles. Future parking area improvements shall be subject to a Coastal Site Plan Review.
15. All applicable zoning compliance permits and approvals from the Department of Public Works are required prior to the start of construction. A pre-construction meeting with Planning and DPW staff is required.
16. Public improvements for this subdivision shall be accepted prior to the Town of Waterford providing services. The developer shall be responsible for snow removal and trash collection until 15 days from the acceptance of the road by the Waterford Representative Town Meeting.

17. Prior to endorsement of the final plans, a note shall be added to the Mylar stating that the resubdivision supersedes the previous Mylar filed at map numbers 5427-5442 at the Town Clerk's Office.
18. Prior to endorsement of the final plans, a note above the signature block on all plan sheets shall be added that reads "This subdivision has been conditionally approved. No lots may be sold or offered for sale until 90% of the required improvements have been completed or upon the provision of a performance bond in accordance with CT General Statutes and the Waterford Subdivision Regulations. (\$500 penalty per lot)."

#PL-16-9 – Request of Town of Waterford First Selectman, applicant, for site plan approval to reconstruct and expand a fixed wood pier at 3 River Street (Mago Point), WD zone, in accordance with Sections 14, 22 and 25 of the Zoning Regulations. A coastal site plan review is required in accordance with the Coastal Management Act.

A. Piersall reminded the Commission that this project has already received CGS 8-24 approval from the Commission. The Design Review Board reviewed this proposal at their meeting earlier this evening, and forwarded a positive report to the Commission. DEEP/OLISP has found the proposal to be consistent with CCMA policies.

The Commission reviewed the Staff Report dated June 13, 2016. A. Piersall stated that the project involves the reconstruction and expansion of a fixed wood pier at Mago Point. The project design includes railings that meet ADA height requirements and incorporates an extended section of lower height railings along the north corner of the pier to improve views of the Niantic River. The landscaping will be increased, and an art sculpture is being proposed. She stated that the project needs to be completed by December 31, and they hope to be under construction by September.

MOTION: Motion made by S. Stotts, seconded by B. Chenard, to approve the Site Plan and Coastal Site Plan at 3 River Road and adopt the following findings:

- k. The proposed activity is consistent with the coastal policies in Section 22a-92 of the Connecticut General Statutes.
- l. The proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.
- m. The project is consistent with the Waterford Plan of Conservation and Development.
- n. The proposed activity has been approved by the Waterford Representative Town Meeting pursuant to Chapter 126 § 8-24 of the Connecticut General Statutes.
- o. The project meets the requirements of sections 14 and 22 of the Waterford Zoning Regulations.
- p. The project meets the requirements of Section 25.4 of the Waterford Zoning Regulations
- q. The project meets the requirements of Section 25.5 of the Waterford Zoning Regulations.

VOTE: 3-0

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

MOTION: Motion made by S. Stotts, seconded by B. Chenard, to approve the proposed amendments to Sections 1 and 21 of the Waterford Zoning Regulations, effective July 15, 2016, and adopt the following findings:

- a. The proposed regulation amendment meets the requirements of Chapter 124 § 8-3 of the Connecticut General Statutes.
- b. The proposed regulation amendment meets the requirements of Section 28 of the Waterford Zoning Regulations
- c. The proposed regulation amendment is consistent with the Waterford Plan of Conservation and Development, as amended.

VOTE: 3-0

6. CORRESPONDENCE

No correspondence was received.

7. ADMINISTRATIVE REVIEW

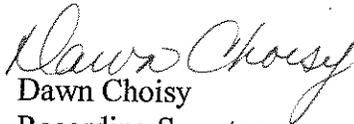
Nothing was reviewed.

8. ADJOURNMENT

MOTION: Motion made by S. Stotts, seconded by B. Chenard, to adjourn the meeting at 7:35.

VOTE: 3-0

Respectfully Submitted,


Dawn Choisy
Recording Secretary