

MINUTES

Planning & Zoning Commission
Waterford Town Hall

RECEIVED FOR RECORD
WATERFORD, CT

16 OCT -3 PM 2:30

September 26, 2016
6:30 PM
ATTEST: *Daniel H. Lopez*
TOWN CLERK

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

2. APPROVAL OF MINUTES

MOTION: Motion made by B. Chenard, seconded by J. Bunkley, to approve the minutes of the September 12, 2016 meeting as written.

VOTE: 3-0-1, M. Mazzella abstaining

3. RECEIPT OF APPLICATIONS

No new applications were received.

4. CONTINUED PUBLIC HEARING

#PL-16-16 – Application of the Waterford Planning & Zoning Commission to create a Mago Point District, in accordance with Section 28 of the Waterford Zoning Regulations (Amendments).

Chairman Auwood read the following exhibit into the record:

EXHIBIT 13 - Draft Mago Point Zoning Regulations – Revised September 15, 2016

A. Piersall reviewed the changes made to the proposed Mago Point District regulations in response to comments received at the prior meeting.

Chairman Auwood asked for clarification on Section 14a.9. A Piersall clarified the section.

Chairman Auwood asked if there was anyone in the public who wished to speak regarding this application. There being no further comments or questions, the public hearing was closed at 6:38.

5. PUBLIC HEARING

#PL-16-12 – Request of Charles Secor, owner; READCO LLC, applicant, for site plan and special permit approval for the removal of earth material from property located at 77 Foster Road, I-G zone, in accordance with Sections 11.9, 22, 23 and 25 of the Zoning Regulations and as shown on the plans titled “Proposed Excavation Operation, Cross Road & Foster” dated July 6, 2016

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

- EXHIBIT 1 - Application
- EXHIBIT 2 - Letter dated October 5, 2015 to Mr. Kevin Kilguss, BL Companies from Dawn McKay, CT DEEP, Project: Preliminary Site Assessment for the Construction of Outpatient Surgery Center and Parking Lot at 140 Cross Road, Waterford, Connecticut
- EXHIBIT 3 - Letter dated July 6, 2016 to Mark Wujtewicz from Matthew Bruton, P.E., BL Companies, RE: Proposed Excavation Activity, Cross and Foster Road, Waterford, CT
- EXHIBIT 4 - Plans titled "Permitting Plans Issued for Special Permit for Excavation Operation" dated July 6, 2016
- EXHIBIT 5 - Plans titled "Town of Waterford Right of Way Map of Foster Road Extending from Cross Road Westerly Approx. 885 ft" dated August, 1961
- EXHIBIT 6 - Notice of Public Hearing advertised in the Day newspaper on September 12, 2016 and September 19, 2016
- EXHIBIT 7 - Hearing Notification letter to applicant dated September 7, 2016 along with certificates of mailing
- EXHIBIT 8 - Memo dated August 3, 2016 to Mark Wujtewicz from Maureen FitzGerald, Re: PZC Application # PL-16-12, Proposed Removal of Earth Materials, Cross Road & Foster Road
- EXHIBIT 9 - Letter dated August 3, 2016 to Michelle Carlson, PE, BL Companies from Mark Wujtewicz, RE: Application #PL-16-12, Proposed Removal of Earth Materials – 77 Foster Road, Planning and Development Staff Review Comments for Special Permit Application received July 7, 2016.
- EXHIBIT 10 - Letter dated August 18, 2016 to Mark Wujtewicz from Theodore A. Harris, requesting a 27-day extension of time in which to open the public hearing
- EXHIBIT 11 - Letter dated September 16, 2016 to Mark Wujtewicz from Attorney Theodore A. Harris regarding the status of Foster Road.
- EXHIBIT 12 - Plans titled "Permitting Plans Issued for Special Permit for Excavation Operation" dated July 6, 2016, revised to September 15, 2016
- EXHIBIT 13 - On-Site Soil Investigation Report prepared by Connecticut Ecosystems LLC dated 8/16/16
- EXHIBIT 14 - Plan sheet CFA-1, Proposed Excavation, Cut/Fill Analysis
- EXHIBIT 15 - Report of Action: Inland Wetland Permit #C-16-09, 77 Foster Road, Excavation Operation dated September 26, 2016, with attached Inland Wetlands & Watercourses Permit #C-16-09
- EXHIBIT 16 - Memo dated September 26, 2016 to the Waterford Planning & Zoning Commission from Maureen FitzGerald, RE: Review from the Conservation Commission, PZC Application #PL-16-12, 77 Foster Road: Excavation Operation
- EXHIBIT 17 - Letter dated September 6, 2016 to Ms Michele Carlson, PE, BL companies from Dr. Clarence Welti, PE, PC, Geotechnical Engineering, Re: Proposed Medical Building, 77 Foster Road, Waterford, CT
- EXHIBIT 18 - Inter-Office Correspondence dated September 26, 2016 to the Planning and Zoning Commission from Mark Wujtewicz, RE: Earth Extraction Special Permit, Application #PL-16-12, 77 Foster Road
- EXHIBIT 19 - Document titled "Readco, LLC, Excavation Permit, Foster Road, Waterford,

CT, Anticipated Operation Details

EXHIBIT 20 - Slide presentation of existing site conditions

Attorney Ted Harris, representing the applicant, stated that this application was filed in conjunction with the site plan for the surgery center that the Commission approved in April. That approval split the parcel. The approximately 20,000 cubic yards of fill removed from this site will be used for construction of the surgery center. They anticipate that it will be a short-term operation, approximately 8 to 10 weeks. The hours of operation will be from 7:00 a.m. to 5:00 p.m. weekdays, and occasionally Saturday. He submitted into the record as Exhibit 21 a legal description of the parcel. The Conservation Commission approved this activity at their meeting last week (Exhibit 15). Attorney Harris submitted into the record as Exhibit 22 a letter dated September 6, 2016 to Mario DiLoreto, READCO, LLC from Kimberly Lesay, BL Companies.

Matthew Bruton of BL Companies reviewed the site. He stated that no blasting is proposed with this activity. He reviewed the construction sequence, and stated that final stabilization of the site will occur in the spring.

M. Wujtewicz stated that Staff comments were sent to the applicant in early August, and revised plans were just received last week. Some of Staff's comments were addressed in the revised plans, and some were not. He reviewed outstanding issues contained in his memo to the Commission (Exhibit 18).

A. Piersall showed the Commission slides of existing conditions on the site (Exhibit 20). The revised plans differ from those that were approved by the Conservation Commission.

Attorney Harris reviewed the information regarding the status of Foster Road (Exhibit 11).

M. Wujtewicz asked if any processing or hammering of material would occur on the site. M. Bruton replied no. M. Wujtewicz noted that the Commission can establish a time limit to the project.

Chairman Auwood asked if there is any access to the rear lot other than Foster Road. Attorney Harris replied there is no other access.

B. Chenard asked if any of the boulders seen in the slides (Exhibit 20) will be used. M. Bruton replied that the boulders will be left on the site. They will just use the soil. They are just shaving down the soil. B. Chenard asked what will be done to ensure dirt from the trucks doesn't go down Foster Road. M. Bruton said a tracking pad will be installed. B. Chenard asked if the site will be graded so that there are not large piles on the site. T. Harris reviewed the process for re-grading the site. B. Chenard asked if the soil from the site will be used for the infiltration system of the surgery center. M. Bruton replied that the soil from the site will be placed deep on the surgery center site; the infiltration system will be higher.

A. Piersall reviewed comments received from the Conservation Commission (Exhibit 16). She asked if the site will be monitored after the excavation to prohibit trespassing on the site.

M. FitzGerald stated concerns with control of the property and the occurrence of vehicle trespass, illegal dumping and disturbance on the site after the activity. She wondered if no blasting is

proposed, how will the material be removed in areas where rock outcrops occur.

M. Mazzella stated concerns with dumping on the site, and asked how access to the site could be limited. T. Harris stated that signage can be installed. Limiting the access on the abandoned portion of Foster Road would have to be in conjunction with the owner of the adjoining property.

A. Piersall stated that based on outstanding issues, Staff recommends that the public hearing remain open at this time. Attorney Harris questioned what the outstanding issues are. M. Wujtewicz reviewed the outstanding items outlined in Exhibit 18.

Some Commission members stated that they would like to visit the site.

The public hearing was continued to October 17, 2016.

6. APPLICATION REVIEWS

#PL-16-12 – Request of Charles Secor, owner; READCO LLC, applicant, for site plan and special permit approval for the removal of earth material from property located at 77 Foster Road, I-G zone, in accordance with Sections 11.9, 22, 23 and 25 of the Zoning Regulations and as shown on the plans titled “Proposed Excavation Operation, Cross Road & Foster” dated July 6, 2016

This public hearing is still open.

#PL-16-14 – Request of Town of Waterford, owner; Waterford Utility Commission, applicant, for site plan and special permit approval to install a grit receiving station on property located at 85 Miner Lane, R-40 zone, in accordance with Sections 5.2.3, 22 & 23 of the Zoning Regulations and as shown on the plans titled “Waterford Utility Commission, Waterford, Connecticut, Contract Drawings for Grit Receiving Station” dated June 2016.

M. Wujtewicz reviewed the findings and conditions of approval contained in his memo to the Commission dated September 26, 2016.

B. Chenard noted that the DEEP permit allows the facility to operate between 8:00 a.m. and 6:00 p.m., however, the Commission’s approval stated hours of operation between 7:00 a.m. and 3:30 p.m. M. Wujtewicz stated that the applicant presented the hours of 7:00 to 3:30. A. Piersall said that the applicant will have to meet the DEEP requirements.

B. Chenard stated concerns with any odor from the site impacting the residential property values. T. Lane reviewed how enforcement of the special permit would be handled.

The Commission reviewed the following findings and conditions.

23.5 FINDINGS

A Special Permit shall not be granted until the Planning & Zoning Commission has determined that all of the following conditions have been satisfied:

23.5.1 COMPLIANCE WITH THE ADOPTED LAND USE PLAN AND THE ZONING REGULATIONS:

The proposed use of the subject site is consistent with the purpose and intent of the Town of

Waterford's adopted Land Use Plan, and the proposed use is one, which is permitted to be established within the district in which the subject site is located, subject to the approval of a Special Permit.

Land Use Plan Designation: Institutional/Community Facility

Pertinent Regulations Specially Permitting the Use: 5.2.3

23.5.2 ORDERLY DEVELOPMENT

The location, type, character, and size of the use and of any building or other structure in connection therewith shall be in harmony with the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.

TYPE OF STRUCTURE AND IMPROVEMENTS: The use will be located on a portion of the site of the closed Waterford Landfill in the R-40 (Low Density Residential) Zone District. This area contains existing tipping bays which were previously as a temporary transfer station location prior to the established of the permanent Transfer Station facility on Hartford Turnpike.

PRESENT LAND USE OF PARCEL: The site was previously used as the Town of Waterford Landfill. The Landfill operation was closed in accordance with a CTDEP Consent Order and subsequent to that, a temporary transfer station facility was constructed and placed into operation in January of 2002. This temporary facility remained in operation until such time that the permanent facility was constructed at Hartford Turnpike. A telecommunications tower is currently located on the site. The site is currently used by the Town of Waterford Department of Public Works for the periodic temporary storage of road millings and woodchips from stump and brush grinding.

ABUTTING USES: East - Vacant and Developed Residential property
South – Developed Residential Property
West – Designated Private Open Space
North – Town Property

23.5.3 PROPERTY VALUES AND CHARACTER:

There are no buildings proposed for the site other than a storage container. One specially designed roll off dumpster will be used and located within an existing bay. A sewer lateral line will be installed from Miner Lane to the dumpster. As indicated on the site plan, the location of this lateral line is such that there will not be any clearing required. All service utility lines shall be installed along or adjacent to the existing access drive as shown on the site plan in order to avoid any clearing.

The applicant's support material submitted into the record (Exhibit 1) indicated that there will be 1 to 2 vehicle trips per day during normal working hours of 8:00am to 3:30pm. An occasional emergency service trip may occur during an unforeseen blockage or emergency outside of normal working hours.

The applicant stated in the record during the public hearing that the storage dumpster will be designed to mitigate odor including but not limited to, activated carbon filters. The use of odor absorbing products will be applied to the disposed material at each dumping event in accordance with the above referenced CTDEEP Permit. If the procedures employed to mitigate odor are not

successful, other provisions shall be employed. There shall be no further use of the facility until such time that odor control has been accomplished satisfactorily.

23.5.4 PUBLIC SAFETY:

The applicant's support material submitted into the record (Exhibit 1) states that the current access to the site will be used and maintained. An 8' high cantilevered gate with lock will replace the existing swing access gate and the container cover will be locked when not in use (Exhibit 6).

23.5.5 TRAFFIC CONSIDERATIONS:

The streets serving the proposed use are adequate to carry all prospective traffic; adequate provision is made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created.

Miner Lane is currently used to provide access to a combination of uses; residential and non-residential. A State of Connecticut DEEP Permit has been issued for this facility as a Pump Station Grit and Residue Transfer Facility (Exhibit 8). In accordance with the above permit, the permittee is required to control all traffic related to the operation of the facility in such a way as to mitigate any negative and/or unsafe impact on existing traffic in the area. The Commission finds that the use of one vehicle for one to two trips per day is not considered to be a significant impact on existing traffic patterns for the local roads or neighborhood of Miner Lane.

23.5.6 LANDSCAPING AND BUFFERS:

Adequate vegetated buffers and screening are to be maintained and installed in areas where existing screening and buffering are inadequate to shield the operation and equipment from adjacent properties and the street.

23.5.7 RELATIONSHIP TO UTILITY SYSTEMS, DRAINAGE SYSTEMS, AND IMPACT ON COMMUNITY FACILITIES:

The subject site has adequate water and sewerage systems available to service the proposed use. Adequate provision for storm water drainage is provided on site and the proposed use will not adversely impact existing community facilities. The applicant proposes no site work which will change existing grades and no increase in the amount of impervious area. All proposed utilities will be installed underground. Concrete containment curbs shall be installed around the area of the dumpster to contain any potential spill from the operation. (Exhibit 1)

WATER: Municipal – To be installed

SEWER: Municipal – To be installed

DRAINAGE: On site existing overland flow. An existing drainage swale on site adjacent to the entrance driveway will continue to be used and maintained.

23.5.8 COMPLIANCE WITH ZONING REGULATIONS:

In addition to meeting the other conditions described herein, the proposed use of the property, and other site improvements shall comply with all applicable provisions of these Zoning Regulations.

SECTION 22 COMPLIANCE:

The site plan prepared and submitted with this application for special permit, as modified by the

Commission, complies with the provisions of Section 22 of the Zoning Regulations.

Conditions of Approval:

1. The use of the site shall be restricted to Town of Waterford operations only. This shall be noted on the site plan prior to filing the approval on the land records.
2. The storage container for the housing of odor control equipment and material shall be installed as part of the site plan. Remove any reference on the site plan relative to this structure and location being designated future. This shall be noted on the site plan prior to filing the approval on the land records.
3. If the procedures employed to mitigate odor are not successful, other provisions shall be employed. There shall be no further use of the facility until such time that odor control has been accomplished satisfactorily
4. There shall be no outdoor storage of material other than the storage containers identified on the site plan. This note shall be added to the site plan prior to filing on the land records.
5. Detail of the proposed light pole shall be shown on the site plan prior to filing on the land records. The light head unit shall be full cut off.
6. As-built plans shall be submitted and approved prior to issuance of a Certificate of Zoning Compliance
7. The applicant shall notify the Planning and Zoning Commission of any proposed changes and/or modifications to the CT DEEP Permit 15201187-PCO, whether initiated by the permittee or the State of CT DEEP, in order to determine compliance with this Special Permit and any conditions attached thereto.
8. The applicant shall provide a contingency plan for cleanup and remediation in the event of a spill on the site. This shall be noted on the site plan.

COMMISSION ACTION:

The Commission approves application #PL-16-14 for special permit and site plan review subject to the findings, stipulations and conditions contained herein. All potential adverse impacts have been addressed as modified herein.

MODIFICATION, REVISIONS, EXTENSIONS:

All revisions, extensions, and modifications to any items, conditions or stipulations in this permit shall be governed by the provisions of section 23.9 of the Waterford Zoning Regulations.

VIOLATIONS:

Any violations of the findings, stipulations or conditions of this permit shall be subject to section 23.8 of the Waterford Zoning Regulations.

MOTION: Motion made by J. Bunkley, seconded by B. Chenard, to approve the Town of Waterford Utility Commission Grit Station located at 85 Miner Lane pursuant to the conditions and findings adopted herein.

VOTE: 4-0

#PL-16-16 – Application of the Waterford Planning & Zoning Commission to create a Mago Point District, in accordance with Section 28 of the Waterford Zoning Regulations (Amendments).

MOTION: Motion made by B. Chenard, seconded by J. Bunkley, to approve #PL-16-16, creating a Mago Point District, in accordance with Section 28 of the Zoning Regulations and consistency with the Plan of Preservation, Conservation & Development. Effective date: 10/17/16

VOTE: 4-0

7. CORRESPONDENCE

Land Use Academy Advanced Training Course

M. Wujtewicz encouraged Commission members to attend this training. It was noted that the date of the training session was not included in the materials given to the Commission. Staff will inform members of the date.

8. ADMINISTRATIVE REVIEW

Discussion on new Subdivision Regulations

A. Piersall updated the Commission on the Status of the new Subdivision Regulations, and stated that a public meeting should be scheduled for mid-October.

Discussion of Civic Triangle Zone District

A. Piersall briefly reviewed a preliminary draft for the Civic Triangle Zone District, as well the district boundaries.

9. ADJOURNMENT

MOTION: Motion made by B. Chenard, seconded by J. Bunkley, to adjourn the meeting at 8:13.

VOTE: 4-0

Respectfully Submitted,


Dawn Choisy
Recording Secretary