



## DEPARTMENT OF PLANNING AND DEVELOPMENT

TO: Planning and Zoning Commission

FROM: Mark Wujtewicz, Planner

DATE: May 9, 2023

TITLE: Staff Report: CGS §8-24 Application#PL-23-8  
Disposal of a portion of property  
Southwest School  
51 Daniels Avenue

### EXECUTIVE SUMMARY

This application is presented to the Planning and Zoning Commission in accordance with Section 8-24 of the CT General Statutes. The proposal is to sell a portion of the Town Owned property located at 51 Daniels Avenue to Project LEARN, a nonprofit regional educational service center.

### BACKGROUND

Pertinent Regulations  
CGS §8-24

Town of Waterford 2012 Plan of Preservation Conservation and Development

### DISCUSSION

One of the roles of the Planning and Zoning Commission is to review requests that involve municipal improvements or action taken on municipally owned property. In accordance with Connecticut General Statute Section 8-24:

*“No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report...”*

The Waterford Board of Selectmen presents the referral of this CGS§8-24 application to the Planning and Zoning Commission to sell a portion of the Southwest School property located at 51 Daniels Avenue to Project LEARN. The entire parcel consists of approximately 20.3 acres of area and contains the vacant school building and a cellular tower located in the rear southeast corner of the parcel. The cellular tower is subject to a lease agreement with the Town and will remain within that portion of the property being retained by the Town. The retained portion also includes an area for potential pickleball courts and area adjacent to existing Town and Privately owned Open Space Parcels.

The portion of the property under consideration for the sale includes the school building along with adjacent area to provide for site improvements sufficient for adequate parking and outdoor play areas. A previous CGS §8-24 application (PZ2010-029) was approved by the Planning and Zoning Commission on July 26, 2010 to lease a portion of the Southwest School Building to Project LEARN for use as a dual language middle school. Project LEARN proposes to use the property as the location of its Early Childhood Magnet School. The Early Childhood Magnet School currently operates out of the Friendship School located adjacent to the Waterford Community Center.

The Commission must find that the disposition of the property is supported by and found consistent with the Town's 2012 Plan of Preservation Conservation and Development, hereinafter the Plan.

The goal as stated in the Community Facilities chapter of the Plan is to provide adequate services and facilities to meet community needs. (Page 66) The disposition of a portion of the property to Project LEARN for the Early Childhood Magnet School is consistent with that goal in that Project LEARN provide those services to both Waterford and regional residents alike.

The portion of the property to be retained by the Town supports the potential for a recreation use such as Pickleball courts. The Town is ensuring that recreation facilities will be available which contributes to Waterford's character and quality of life. (Page 66)

The goal of the Open Space component of the Plan is to establish a meaningful system of open spaces in order to protect important resources and enhance our overall quality of life. (Page 24) The Town continues to work on establishing a coordinated Open Space/Greenbelt and Trail System. The remaining portion of the property that will be retained by the Town connects three existing open space parcels. This connection is consistent with the Plan in that it contributes to increasing the open space connectivity that is identified in the Plan as something the Town shall continue to pursue. (Page 26)

### RECOMMENDED ACTION

Based on the information provided in the record, staff recommends the Planning and Zoning Commission find that:

Findings:

1. The Waterford Board of Selectmen presented the referral of this CGS§8-24 application PL-23-8 to the Planning and Zoning Commission.
2. The proposed disposal of a portion of municipal property is a Municipal Improvement that qualifies for a CGS §8-24 review by the Planning and Zoning Commission.
3. The disposal of a portion of the property known as 51 Daniels Avenue Southwest School is supported by the 2012 Plan of Preservation Conservation and Development in that;
  - a. It is consistent with the stated goal in Support of Community Facilities chapter of the Plan by providing adequate services and facilities to meet community needs.
  - b. The remaining portion of the property that will be retained by the Town connects three existing open space parcels thereby contributing to the increase of open space connectivity that is identified in the Plan.
  - c. The remaining portion of the property that will be retained by the Town will assist in contributing to Waterford's character and quality of life by ensuring recreational facilities will be available.

**Proposed Motion:**

**To approve Planning and Zoning CGS §8-24 Application #PL-23-8 to dispose for sale a portion of a Town owned parcel known as 51 Daniels Avenue, Southwest School by adopting the findings 1 thru 3 of the staff report and to find that the proposal is consistent with the Town of Waterford 2012 Plan of Preservation Conservation and Development.**



*CGS 8-24 Disposition of Municipal Land –  
Sale of a portion of the Southwest School Property  
51 Daniels Avenue*



PRESERVE

# Open Space

GOAL

**Establish a meaningful system of open spaces in order to protect important resources and enhance our overall quality of life.**

This Plan defines “dedicated open space” as land that is owned by entities or otherwise restricted in some way where such land is likely to be preserved or dedicated as open space, hopefully in perpetuity (town park, state forest, land trust, etc.). The terms “managed open space” is used to refer to lands owned by entities or used in a way where it serves some open space function but it may not be preserved in perpetuity, may not allow for public access or use, or has another purpose (golf courses, water company lands, cemeteries, hunting clubs, some utility lands, etc.).

Preservation of open space can serve five important purposes:

- protection of community character,
- preservation of lands for parks and recreational uses,
- conservation of important natural resources,
- fiscal and economic benefits, and
- shaping of development patterns.

Approximately 3,230 acres of land (15 % of the land area) in Waterford can be categorized as open space since it has some measure of protection from future development through ownership, easement, or compatible use. Some of these areas (Harkness, Arboretum, etc.) are the most treasured places in Waterford and make a significant contribution to the overall character of the community. Other areas help protect natural resources or scenic resources or provide recreation opportunities.

However, not all the land that is perceived as open space in Waterford is in fact preserved as open space. Most people tend to perceive “open space” as including all vacant land. In other words, they think “open space” is any land that is not built upon. However, much of that land is in private ownership and subject to future development. One of the reasons that neighbors oppose new developments is over the loss of what they perceive to be open space.

There is little doubt that open space adds considerably to the overall ambience and quality of life of the community. Waterford should seek to continue to acquire and manage open space lands for the benefit of the Town and its population. Otherwise, open lands and familiar landscapes will continue to change as the development of the Town continues and opportunities to acquire these lands will be lost.

In the telephone survey, 58% of participants want the Town to acquire more land for parks and open space. However, residents were less willing to support increased taxes to fund open space preservation. Waterford residents are more strongly in favor of efforts to establish a trail system for pedestrians and bicycles. Overall, 79 percent of participants want the Town to devote efforts to establish a trail system.

## **B. Establish A Coordinated Open Space / Greenbelt / Trail System**

Since the 1977 Plan of Development, Waterford has had a stated goal of establishing “a comprehensive greenbelt system which ... follows the town’s major streams and brooks.” This strategy should continue to be the basic foundation for Waterford’s open space strategy.

In addition, we should strive to use such greenbelt areas and other opportunities (including electric rights-of-way or sewer easements if possible) to establish an overall trail system throughout the community. Such a trail system will provide connections between different parts of Waterford as the trail system evolves and provide passive recreation opportunities for residents.

As part of preparing this Plan, the preliminary open space plan on the facing page (an overall vision) was prepared. This is not intended to be a definitive statement of the desired open space and greenway arrangement for Waterford. Rather, it is intended to be a starting point for further discussion and refinement of an open space and greenway system.

In the future, special attention should be devoted to increasing open space connectivity. Experience in other communities has shown that open spaces increase exponentially in value for nature, wildlife or people when they are configured to create continuous corridors.

Based on this vision, the policy preferences in terms of the preservation of open space include the following:

- Seek to establish an open space “system” as a major organizing element in Waterford by helping to define the villages, separate developed areas, and provide for transitions between different areas,
- Use the open space / greenbelt / trail system to help interconnect different parts of town and link open spaces and neighborhoods by trails (pedestrian path / bikeway / hiking trail system) or “greenbelts” that are accessible to residents throughout Waterford,
- Acquire or preserve parcels that contribute the most to the town’s open space and greenbelt system.
- Protect important natural, scenic, or other resources and improve wildlife habitat and wildlife “corridors”, especially stream corridors or riparian areas along watercourses.
- Increase opportunities for both active and passive uses both within the town and within the region.
- Contribute to the overall character of Waterford and to the enjoyment and quality of life for residents.

In order to guide future efforts, the Town should use the map on the facing page as starting point for creating an overall open space plan that:

- specifies the location of all existing publicly accessible open space, and
- differentiates between open space that is fully useable (such as public parks) and open space that is less usable (such as cemeteries or land trusts).

SUPPORT

# Community Facilities

GOAL

**Provide adequate services and facilities to meet community needs.**

A Plan of Preservation, Conservation and Development reviews the physical aspects of community services (such as education, public works, public safety, social, and recreation) to ensure that they are appropriately located and sized to meet community needs. These services and facilities contribute to Waterford's character and quality of life.

Since the 1998 Plan, Waterford has undertaken a school consolidation and modernization program, built a community center, and upgraded some buildings and systems to meet community needs.

In the survey, residents indicated that they were very satisfied with quality and quantity of the following Town services:

<i>Service</i>	<i>Good And Very Good</i>	<i>Not Sure / Don't Know</i>	<i>Poor And Very Poor</i>
Fire services	93%	5%	2%
Schools	82%	12%	6%
Park/recreation facilities such as fields	80%	8%	12%
Park/recreation activities such as classes or programs	78%	11%	11%

**Town Hall**



**Community Center**

