

MINUTES
SPECIAL MEETING
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2020 APR 28 PM 12: 25

Planning & Zoning Commission
Waterford Town Hall

April 27, 2020
3:00 PM
TOWN CLERK

Members Present: J. Bunkley, J. Bashaw,
Members Absent: G. Massad, J. DiBuono, T. Bleasdale
Alternates Present: K. Barnett
Staff Present: A. Piersall, Planning Director; M. Wujtewicz, Planner; Jill Pisechko,
Zoning Official; M. FitzGerald, Environmental Planner; D. Choisy,
Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Bunkley called the meeting to order at 3:00. K. Barnett was appointed to sit for G. Massad.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Bashaw, seconded by K. Barnett, to approve the minutes of the March 9, 2020 meeting as written.

VOTE: 3-0

3. RECEIPT OF APPLICATIONS

#PL-20-11 – Request of the Town of Waterford Recreation and Parks Department for municipal improvement in accordance with Section 8-24 of the Connecticut General Statutes for construction of bathrooms at 305 Great Neck Road (Waterford Beach Park).

A. Piersall stated that this application is in order for receipt, and appears later on the agenda for the Commission's review.

4. APPLICATION REVIEW

#PL-20-2 – Request of Walter John Senkow, owner, Yost Manufacturing and Supply, applicant for site plan approval to locate a manufacturing/warehouse building at 994 Hartford Turnpike, I-G zone, in accordance with Sections 11.1.5, 11.1.11 and 22 of the Zoning Regulations and as shown on plans entitled "Yost Family Realty LLC Yost Manufacturing and Supply, Inc." dated February 11, 2020.

A. Piersall informed the Commission that a request for a 90-day continuance of this application was submitted by the applicant's agent.

#PL-20-7 – Request of CSCE Realty, LLC owner and applicant for modification of an approved site plan on property located at 140 Cross Road in accordance with section 22 of the zoning regulations and as shown on plans titled "Land Development Plans Issued for Site Plan Approval, Constitution Surgery Center East, Building Expansion" dated March 3, 2020.

Project Engineer Matthew Bruton of BL Companies reviewed the proposed site conditions with the Commission. The application as proposed is to construct a 7,025 square foot addition to an existing medical building. The applicant proposes the use of the addition will be for an operating room, six

private rooms, additional storage and the required services to support the patients. The existing medical building received site plan approval on April 26, 2016. At that time, the applicant contemplated an addition to the building at some point in the future. As a result, the area adjacent to the north wall of the building was left as grass in anticipation of this potential building addition. The construction of the addition will require 15 additional parking spaces, redesign of the interior driveway, the construction of a retaining wall and modifications to the existing on-site stormwater management system.

Architect Mike Carafeno of MBH Architecture reviewed the design of the addition, stating that the same materials used on the existing building will be used for the addition.

M. Wujtewicz reviewed the Staff Report dated April 27, 2020. He noted that the modification to the traffic circulation has been reviewed and found acceptable by the Fire Marshal.

MOTION: Motion made by J. Bashaw, seconded by K. Barnett, to make the following findings:

1. The proposed expansion of an existing permitted Medical Office use is allowed within the IG Zone district;
2. The site plan presented is for a modification to an existing approved site plan of record in accordance with Section 22.7 of the Waterford Zoning Regulations;
3. The site plan conforms to Section 22 of the Town of Waterford Zoning Regulations;
4. This application has been reviewed by the Town of Waterford Design Review Board in accordance with Section 22b of the Waterford Zoning Regulations and a positive report was submitted to the Commission.

And that the Planning & Zoning Commission approves application #PL-20-07 with the following condition:

1. The construction plan set shall detail the methods to be used to adequately separate the general public from the construction activity. This shall also be reviewed and approved by the Fire Marshal and Building Official.

VOTE: 3-0

#PL-20-8 – Request of the Town of Waterford First Selectmen for municipal improvement in accordance with Section 8-24 of the Connecticut General Statutes to grant a Permanent Gas Distribution Easement to Yankee Gas Services Company on property located at 1000 Hartford Turnpike.

A. Piersall stated that a Temporary Gas Distribution Easement and Right of Entry Agreement was entered into in 1991. This application will make the Easement permanent.

MOTION: Motion made by J. Bashaw, seconded by K. Barnett, to find that granting the Permanent Gas Distribution Easement to Yankee Gas Services Company, dba Eversource Energy, is consistent with the Plan of Preservation, Conservation and Development, and to forward a favorable report to the Board of Selectmen.

VOTE: 3-0

#PL-20-11 – Request of the Town of Waterford Recreation and Parks Department for municipal improvement in accordance with Section 8-24 of the Connecticut General Statutes for construction

of bathrooms at 305 Great Neck Road (Waterford Beach Park).

A. Piersall stated that this application is for the replacement of bathrooms at Waterford Beach which are located in the flood plain. The existing septic system will be eliminated, and sewer lines will be installed.

MOTION: Motion made by J. Bashaw, seconded by K. Barnett, to find that the proposed replacement of the bathrooms at Waterford Beach is consistent with the Plan of Preservation, Conservation and Development in that they:

1. Preserve coastal resources and water quality;
2. Improve sustainability and resiliency of the Town's coastal facilities;
3. Enhance the quality of life of beach-goers by addressing accessibility to the beach and beach facilities, and are
4. Consistent with the hazard mitigation planning by reducing long-term risk to property from flooding and sea level changes.

VOTE: 3-0

5. CORRESPONDENCE

No correspondence was received.

6. ADMINISTRATIVE REVIEW

Non-Renewal of Letter of Credit – Kathryn Court Subdivision (20 Doyle Road/153 Niantic River Road)

M. Wujtewicz stated that the developer of this subdivision was granted conditional subdivision approval on June 13, 2016. As a condition of the approval, the developer was required to post a bond which funds covered 10% of the costs of the installation of public improvements including road and utilities on the condition that no lots could be sold until 90% of the public improvements was completed as required by State Statute and the Town of Waterford Subdivision Regulations. This bond was in the form of a Letter of Credit which was secured from Dime Bank on May 3, 2017 in the amount of \$71,383. Included in that amount was \$25,000, which represented the cost of maintenance of the erosion and sedimentation controls and site restoration. The remaining \$46,383 was the required 10% cost of public improvements based on the conditional approval requirements.

Subsequent to the issuance of the LOC, the developer requested, and the Commission authorized, a reduction in the amount of \$25,000 on January 14, 2019. The Commission authorized the reduction based on the fact that the site work had been substantially completed and the maintenance of the erosion and sedimentation controls and any site restoration was no longer required. The remaining amount, \$46,383, which represents the public improvements, remained in effect. The remaining funds is also the amount that the Town is required to hold until one year and fifteen days after the public improvements have been accepted by a vote of the RTM.

The Town has been notified by Dime Bank of their election not to renew the above Letter of Credit. As a result of the Bank's intent not to renew, and the developer's inability to obtain a replacement Letter of Credit or other form of bond, and in order to protect the Town's interest and that of the homeowners who have constructed their homes and own property in the subdivision, the Town intends to exercise its right under the Subdivision Bond Agreement to request that the remaining amount of the funds be disbursed to the Town. This in order to complete the remaining public improvements and pursue acceptance of the road and public improvements by the RTM. Acceptance of the public improvements will allow the residents on Kathryn Court to receive Town

services such as garbage pickup, snow plowing and school bus service. Any remaining amount of the bond after the public improvements have been completed will be returned to the developer as stated in the Subdivision Bond Agreement.

MOTION: Motion made by J. Bashaw, seconded by K. Barnett, to demand the surrender of Letter of Credit #2017357 for the sum of \$46,383.00 on the finding that Town of Waterford has received written notice of Dime Bank's election not to renew its Letter of Credit #2017357 and the Principal has failed to provide Waterford with a substitute letter of credit satisfactory to the Town of Waterford.

VOTE: 3-0

7. ADJOURNMENT

MOTION: Motion made by J. Bashaw, seconded by K. Barnett, to adjourn the meeting at 3:46.

VOTE: 3-0

Respectfully Submitted,



Dawn Choisy
Recording Secretary