

PLANNING AND ZONING COMMISSION MEETING M I N U T E S

Planning & Zoning Commission
Town Hall

March 26, 2024
6:30 PM

Members Present: Chairman Greg Massad, Tim Conderino and Victor Ebersole
Members Absent: Karen Barnett, Tim Bleasdale
Alternates Present: Bertrand Chenard
Alternates Absent: Doris Crum, Joseph DiBuono
Staff Present: Jonathan Mullen, Planning Director, Mark Wujtewicz, Planner,
Katrina Kotfer, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

G. Massad called the meeting to order at 6:30 PM. B. Chenard was seated for T. Bleasdale.

2. APPROVAL OF MINUTES

MOTION: Motion made by B. Chenard, seconded by T. Conderino, to approve the February 27, 2024 meeting minutes.

VOTE: 4-0

3. PLEDGE OF ALLEGIANCE

4. APPLICATION RECEIPT

#**PL-24-5** – Request of East Lyme Tree Service, owner & applicant for a Site Plan/Special Permit approval for Storage of Trucks & Equipment at 1122 & 1124 Hartford Turnpike, IP-3 zone, in accordance with Sections 15.2.1 and 23 of the Zoning Regulations and as shown on plans entitled "East Lyme Tree Services, 122 & 1124 Hartford Turnpike, Waterford, CT Rev. March 6, 2024".

PUBLIC HEARING REQUIRED BY:

5/16/2024

APPLICATION WAS RECEIVED:

3/12/2024

Chairman Massad noted that application PL-24-5 was submitted for receipt at the March 12, 2024 Planning & Zoning Commission meeting. The March 12, 2024 meeting was cancelled, however the application was still officially received in accordance with State Statute and that it will be scheduled for a public hearing within the required statutory period.

5. APPLICATION REVIEW

48 Great Neck Road – Planning & Zoning Commission determination of material or substantial change for the proposed changes to Ivy Hill PDD.

Chairman Massad briefly informed the Commission the reason for this item appearing on the agenda. The developer had implemented changes to the project that were not consistent with the original plan that was approved by the Commission. In accordance with the Zoning Regulations that govern approved plans under the PDD Section 19 of the Zoning Regulations, the Commission is now tasked with determining whether the changes implemented are considered material and substantial changes.

T. Conderino recused himself from the discussion of this item.

Brian Florek, LS, Florek Surveying LLC reviewed with the Commission the modifications that have been made in the field to date. He identified on the plan the location of the existing buildings and foundations. He also identified on the plan the approved building locations as shown on the approved site plan. There were also duplex buildings approved on the site plan that were changed to two separate single-family units. He stated that he felt there was no substantial change to the impervious surfaces or the roof areas of the buildings than what was previously approved. The driveways and sidewalks remain as was previously approved.

B. Florek stated that the separation distances between buildings is consistent with IRC Building Code requirements.

G. Massad inquired as to whether any of the construction is closer to a property line than previously approved. B. Florek stated that all the buildings conform to the minimum required setback but some buildings are located closer to property line and street line. G. Massad stated that zoning regulation section 19.2.2 specifically states that any building closer to a an adjacent property or street line constitutes a substantial change and shall be subject to the same review and public hearing procedures as the original zone change.

He stated that the regulation restriction on locating a building closer to a property or street line that that which was approved in the site plan does not afford the Commission any flexibility in determining whether the relocated buildings constitutes a substantial change or not.

J. Mullen recommended that identifying a box on the revised site plan for each building in place of a specific building footprint will afford the developer some latitude in selecting and locating buildings with various footprints as long as they are confined to the building box identified on the plan. M. FitzGerald, Env Planner requested that the as built location of the sedimentation basins be shown on the revised site plan.

G. Massad noted that the regulations dictate the path forward and the Commission is willing to work with the developer in moving the public hearing process forward in an expedient and efficient manner that will be beneficial to both the applicant and the Town.

MOTION: Motion made by G. Massad, seconded by B. Chenard, to find that in accordance with Section 19.2.2, there has been a substantial or material change to the Master Design Plan for Planned Design District-2, 48 Great Neck Road by locating the buildings closer to adjacent property and street lines than that which was approved and as a result the application must be subject to the same review and public hearing procedures as the original zone change.

VOTE: 3-0

6. PRE-APPLICATION REVIEW

Pre-application review pursuant to CGS Section 7-159b and Section 22a.5 of the Waterford Zoning Regulations of a potential application for a site plan at 145 Boston Post Road.

Bernard Donihee of WR Realty presented a proposal to the Commission regarding property he owns at 145 Boston Post Road. He stated that he would like to place two small residential units on the first floor of the existing garage structure that has historically been used as commercial space. He presented two options to the Commission that have two residential units on the first floor of the garage and another option with one residential unit and a commercial space. Options were suggested by both the property owner and the Commission as to redeveloping and/or repurposing the garage structure on the property.

7. ADMINISTRATIVE REVIEW

- Appointment to the Regional Planning Commission of SECCOG

The Southeast Connecticut Council of Governments is requesting that Waterford appoint a representative from the Planning and Zoning Commission to the Regional Planning Commission of the Council of Governments. G. Massad suggested that Tim Bleasdale be nominated to the appointment. He stated that Tim is aware of the vacancy and has expressed interest in representing Waterford on the Committee.

MOTION: Motion by B. Chenard, Seconded by G. Massad to appoint Tim Bleasdale as the Waterford Representative to the Regional Planning Commission of the Council of Governments.

VOTE: 4-0

- Report from Planning Staff on the Town of Waterford's Application to the Commissioner of the Connecticut Department of Economic and Community Development for a Certificate of Affordable Housing Completion in accordance with CGS§ 8-30g (l)(4)(B) for a 4-year moratorium on the applicability of the affordable housing appeals procedure to certain affordable housing applications.

J. Mullen presented the process and provided an overview to the Commission regarding the potential for Waterford to apply for a 4-year moratorium on applications presented to the Planning and Zoning Commission under the CGS 8-30g affordable housing appeals procedure. He stated that a Town may be exempt from such applications if 10% of its housing stock is comprised of affordable housing units as defined by State Statute. A second option is for the Town to apply for a 4-year moratorium on 8-30g applications which may be achieved through a housing equivalency unit point program. This option will provide a temporary moratorium for a period of four years on 8-30g applications. He stated that the moratorium is not on accepting affordable housing proposals but applies to affordable housing applications being submitted under the CGS 8-30g appeals procedure. The 8-30g appeals procedure allows a developer to override local zoning regulations in the application process to the Planning and Zoning Commission.

He stated that the application is currently under review by the Town legal counsel.

8. CORRESPONDENCE

No correspondence was received.

9. COMMISSION BUSINESS

Staff reviewed with the Commission the status of ongoing and potential upcoming projects.

10. ADJOURNMENT

MOTION: Motion made by T. Conderino, seconded by V. Ebersole to adjourn the meeting at 7:52 PM.

VOTE: 4-0

Respectfully Submitted,

Mark Wujtewicz
Planner