

**DEPARTMENT OF PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Mark Wujtewicz, Planner

DATE: April 30, 2024

TITLE: Staff Report: Business Office/Contractor
1122 & 1124 Hartford Turnpike
Site Plan / Special Permit
Application PL-24-5

EXECUTIVE SUMMARY

The project as proposed is for a Site Plan/Special Permit for East Lyme Tree Service located at 1122 and 1124 Hartford Turnpike in the Special Aquifer Industrial Park (IP-3) Zone District. The property consists of two parcels with a combined area of approximately 5 acres owned by the applicant, East Lyme Tree Service, LLC. The two parcels will be combined into one parcel since the development of the project will occur across the common property line of the two parcels.

The proposed project includes the renovation and repurpose of the existing barn on the site into an office and equipment storage for the business. Site improvements include parking, stormwater mitigation and landscaping. The existing single family residence with an accessory apartment will remain. Residential uses are not permitted within the IP-3 Zone District, however the existing residence and accessory apartment may continue to operate in their current configuration and capacity as pre-existing non-conforming uses. No increase in the number of dwelling units (2) and/or floor area outside of the existing building footprint can occur. The residential dwelling has a building area of approximately 1500 sq. ft. The existing barn which will be dedicated to the business operation has a building area of approximately 900 sq. ft.

The use of the site as a contractor's business is one that is permitted through the issuance of a Site Plan and Special Permit approval in accordance with section 15.2.1 and 23 of the Zoning Regulations. Contractor's Office is one of the uses that are defined in the Zoning Regulations as a Business Office.

A FEMA designated 100 year Flood Zone A is located on the property. All structures on the property occur outside of the flood zone.

The site contains inland wetlands and a watercourse. The Waterford Conservation Commission approved inland wetland permit #C-23-12 with conditions for regulated inland wetland activities associated with the project. A report of Conservation Commission action dated March 11, 2024 is included in the record (Exhibit 4).

BACKGROUND

Pertinent Regulations

CGS 8-3(g)

Section 15 – Special Aquifer Industrial Park District (IP-3)

Section 15.2 - Uses Permitted in the IP-3 District subject to approval of a Special Permit:

Section 15.2.1 – Research Laboratories and **Business Offices**

Section 22 – Site Plans

Section 23 – Special Permits with Design Review

This application was received by the Commission on March 12, 2024.

The Public Hearing was advertised in The Day newspaper on April 16 and April 23, 2024.

The Public Hearing was opened on April 30, 2024.

Staff provided to the applicant review comments from various Town agencies and revised plans and reports were received.

DISCUSSION

The applicant proposes to maintain the existing non-conforming residential use and operate the business office concurrently on the property. Both uses are permitted by the Zoning Regulations to operate concurrently on the property provided the site plan demonstrates that each use is supported by the proposed site improvements, such as parking and traffic flow. The applicant has demonstrated through the site plan and special permit findings that both uses will be supported separately by the proposed site improvements through the location of parking facilities and the installation of fencing and gates.

The proposed business office use is defined in the Zoning Regulations as a use that provides a service or product to be delivered or used for a site other than the business office. The proposed use is consistent with the definition of a business office. The parking of vehicles in support of the business and the storage of materials as indicated on the site is permitted. The applicant's statement of use indicates that all processing of wood chips will be performed off site. There will be no retail sale of material from the site as retail sales are not a permitted use within the IP-3 Zone District. All materials stored on the site will be used by the applicant in the operation of the business.

In order for the Commission to approve a site plan and special permit it must find that the use as proposed is consistent with the findings listed in Section 23.5 of the Zoning Regulations. As required, the applicant has provided a Statement of Use (Exhibit 1b) which describes the proposed project's consistency with the findings contained in Section 23.5 of the Zoning Regulations. The Commission may require additional conditions or stipulations to the Special Permit which must be supported by the record. It must also find that the site plan as submitted is

compliant with the Zoning Regulations or it may approve a plan with modifications that are required to be implemented on the plan prior to filing on the land records.

Before the Planning and Zoning Commission can approve a Special Permit Use it must determine that the proposed use conforms to the required findings listed in Section 23.5 of the Zoning Regulations. The applicant has submitted with the application package, a Project Narrative (Exhibit 1b). Staff has reviewed the findings as presented by the applicant and confirm that the use as proposed is consistent with these findings.

The report of the Conservation Commission (Exhibit 4) and Inland Wetlands Permit #C-23-12 includes conditions of approval, which the Planning and Zoning Commission may include by reference as a condition of approval to its decision.

The applicant submitted a Stormwater Report into the record (Exhibit 4). The report provided an analysis of site runoff conditions and analyzed the proposed stormwater drainage system design to mitigate adverse impacts from the development of the project as proposed.

RECOMMENDED ACTION

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

Findings:

1. The application is for a use subject to a Special Permit approval, pursuant to Section 15.2.1 of the Waterford Zoning Regulations.
2. The existing single family and accessory apartment residential use on the property is a pre-existing non-conforming use and may continue. The continuation of the residential use shall be governed in accordance with Section 24 of the Town of Waterford Zoning Regulations pertaining to non-conforming uses and structures.
3. The statement of use contained in Exhibit 1b provided by the applicant in accordance with Section 23.5 of the Zoning Regulations identifies the findings and that the proposed use as presented is consistent with Sections 23.5.1 through 23.5.9.
4. The Waterford Conservation Commission issued Inland Wetland Permit# C-23-12 for regulated inland wetland activities.
5. The Waterford Conservation Commission has submitted to the Planning and Zoning Commission a final report in accordance with CGS 8-3(g).
6. The application meets the criteria for site plan approval, pursuant to Section 22 of the Waterford Zoning Regulations, subject to condition 1.

and that the Commission approve the proposal (with the following conditions):

1. The deed description for the merger of 1122 and 1124 Hartford Turnpike shall be submitted and filed on the land records at the time the final plans are filed.

2. An annual Maintenance and Inspection Report for the Stormwater management system shall be provided to the Town of Waterford Planning and Development Department. This report shall be required to be submitted in order to verify that the stormwater management system is maintained and continues to operate as originally designed.
3. All conditions of approval for Inland Wetland Permit #C-23-12 shall be incorporated into this decision as if fully set forth herein.

Proposed Motion

To approve the Site Plan / Special Permit for a Business Office application #PL-24-5 at 1122 & 1124 Hartford Turnpike with conditions 1 thru 3 and to adopt the findings 1 thru 6 of the staff report.