

MINUTES
Town Hall

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2022 AUG 15 AM 11:29

Planning & Zoning Commission

August 9, 2022
6:30 PM

Members Present: K. Barnett, T. Bleasdale, V. Ebersole, G. Massad and K. Petrini
Alternates Present: B. Chenard
Alternates Absent: J. DiBuono
Staff Present: A. Piersall, Planning Director, M. Wujtewicz, Planner, K. Kotfer,
Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

G. Massad called the meeting to order at 6:30 PM. No alternates were seated.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

MOTION: Motion made by T. Bleasdale, seconded by K. Barnett, to approve the July 12, 2022 meeting minutes.

VOTE: 5-0

4. APPLICATION RECEIPT

#PL-22-14 Request of Michael Buscetto, applicant for approval for Accessory Outdoor Dining with Music at 262 Boston Post Road, C-G zone, in accordance with Section 3.44.b.9 of the Zoning Regulations and as shown on plans entitled "Landscaping and Lighting Plan, Proposed Neighborhood Shopping Center, 262/270 Boston Post Road, Waterford, Connecticut"

The Commission received the application.

5. PUBLIC HEARING

#PL-22-11 – Request of Sig Con Associates, applicant, Waterford Central, LLC, owner and 61A Myrock LLC, owner, to change the zone for property located at 61 Myrock Avenue from C-G (General Commercial) to C-MF (Commercial-Multi-Family Residential) and for property located at 61A Myrock Avenue from R-20 (Medium Density Residential) to C-MF (Commercial-Multi-Family Residential).

PUBLIC HEARING REQUIRED BY: 8/18/22

G. Massad opened the public hearing at 6:33 pm.

Brandon Handfield, P.E. was present for the application. He reviewed the existing site conditions and the site's current zoning designations. He reviewed the proposed conceptual layout and noted that it would be phase 3 of the project on the adjoining lot. They are planning an additional 208 units for phase 3. The proposed concept buildings will be designed to work with the existing grades to minimize the scale of the buildings and their impact on the

surrounding area. B. Handfield submitted a letter from their Traffic Engineer as Exhibit 14. He briefly described potential improvement options to the intersection of Route 1 and Willetts Avenue in order to alleviate the queuing issues on Willetts Avenue during certain periods of the day.

EXHIBIT 14 Letter from Joseph C. Balskus, P.E., PTOE, RSP1 to Brandon Handfield, P.E. dated August 9, 2022

Carl Cascio, 50 Myrock Avenue spoke regarding the application.
Erik Carlson, 30 Myrock Avenue spoke regarding the application.
Mishelle Gallagher, 36 Myrock Avenue spoke regarding the application.
Toni Charland, 16 Myrock Avenue spoke regarding the application.
Unnamed Speaker, spoke regarding the application.
Chris Hartung, 17 Myrock Avenue spoke regarding the application.
Cherie Tudisca, 11 Myrock Avenue spoke regarding the application.
Anna Hartung, 17 Myrock Avenue spoke regarding the application.
Tiffany, 36 Myrock Avenue spoke regarding the application.
Terry Ennis, 11 Myrock Avenue spoke regarding the application.

G. Massad asked if anyone else from the public would like to speak with regard to the application.

Harry Colonis, 35 Paula Lane, spoke regarding the application.

G. Massad asked three times if anyone from the audience would like to speak regarding the application.

B. Handfield spoke and responded to concerns raised by the neighbors.

K. Petrini spoke about the potential of hiring a third party traffic engineer. The Commission discussed that at the site plan phase of the project they would like to see a third party reviewer for potential traffic impacts. B. Handfield stated that the applicant would be amenable to the Commissions request.

G. Massad asked if the development would connect to Waterford Parc on Miner Lane. B. Handfield stated that there will be no connection to the Waterford Parc project.

K. Barnett asked what the impacts on the wetlands and environment with a commercial development versus residential development. B. Handfield stated that the impacts to the onsite wetlands would be less for a residential development as opposed to a commercial development in that there is generally less impervious surface for residential developments and more flexibility in building placement to work with existing grades onsite.

MOTION: Motion made by T. Bleasdale, seconded by K. Petrini to close the public hearing.

VOTE: 5-0

The public hearing ended at 7:54 pm.

MOTION: Motion made by G. Massad, seconded T. Bleasdale to place the review of this application to the agenda as the fifth review item under Application Reviews.

VOTE: 5-0

6. APPLICATION REVIEW

#PL-22-9 Request of Property 806, LLC, owner & applicant for a Site Plan /Special Permit approval for a Drive-thru Car Wash at 806 Hartford Turnpike, C-G zone, in accordance with Sections 8.2.17, 22 and 23 of the Zoning Regulations and as shown on plans entitled "Proposed Car Wash 806 Hartford Turnpike Waterford, Connecticut"

ACTION REQUIRED BY: 9/1/22

G. Massad and K. Barnett stated on the record that they had listened to a recording of the deliberations from the July 12, 2022 meeting.

The Commission discussed the application and made the following findings and conditions:

Findings:

1. The application is for a use subject to a Special Permit approval, pursuant to Section 8.2.17 of the Waterford Zoning Regulations.
2. A modified Site Plan Approval is required due to the site improvements noted on the site plan to support the Car Wash use.
3. The report contained in Exhibit 1b provided by the applicant in accordance with Section 23.5 of the Zoning Regulations identifies the findings and the proposed use are consistent with sections 23.5.1 through 23.5.9.
4. This property was subject to a Site Plan Permit PL-19-16 granted by the Waterford Planning and Zoning Commission on November 4, 2019.
5. The application meets the criteria for site plan approval, pursuant to Section 22 of the Waterford Zoning Regulations, subject to condition 1.
6. This application has been reviewed by the Town of Waterford Design Review Board in accordance with Section 22b of the Waterford Zoning Regulations and which Board submits a positive report to the Planning and Zoning Commission with the following recommendations for consideration:
 - a. The color scheme for the pay station car port shall match the color scheme of the car wash building.

Conditions

1. 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.
2. Based upon recommendation of the Design Review Board, the color scheme for the pay station car port shall match the color scheme of the car wash building.

3. The modifications to the site plan Sheets C-4.0 and C-7.1 as shown in Exhibit 11 shall be included in the final plans prior to filing on the land records.

MOTION: Motion made by K. Petrini, seconded K. Barnett to approve with modifications, the Site Plan/Special Permit for a Drive Thru Car Wash, application #PL-22-9 at 806 Hartford Turnpike with conditions 1 thru 3 and to adopt the findings 1 thru 6 of the staff report.

VOTE: 3-2 A roll call vote occurred
K. Petrini Aye
K. Barnett Aye
T. Bleasdale Aye
G. Massad Nay
V. Ebersole Nay

#PL-22-10 Request of Avery Lane, LLC, owner & Mathew Greene, Esq. applicant for a Site Plan approval for a Business office/storage at 372 Boston Post Road, C-G zone, in accordance with Sections 8.13 and 22 of the Zoning Regulations and as shown on plans entitled "Property Survey, Avery Lane, LLC, 372 Boston Post Road, Waterford, Connecticut"

ACTION REQUIRED BY: 8/18/22

At the written request of the applicant the application review has been continued to September 13, 2022. No further action was taken.

EXTENSION GRANTED TO: 9/13/22

#PL-22-12 – Request of the Waterford Utility Commission, applicant and owner; for municipal improvement in accordance with Section 8-24 of the Connecticut General Statutes to extend the municipal sewer line and water line to the property along Oil Mill and Gurley Road.

ACTION REQUIRED BY: 8/30/22

Ellen Bartlett, P.E., James Bartelli, Acting Utility Commission Director, and Nicholas Keppel, Attorney were present for the application.

E. Bartlett submitted to the Commission an aerial photo with potential buildings, roadways, water lines and sewer lines depicted. She noted that the project is to extend the existing 10" water main and 8" sewer main along portions of Oil Mill Road and Gurley Road.

K. Petrini noted for the record that he has a family member that could be impacted by the project but he will be able to fairly review the application.

Discussion was held on options for property owners that would abut the new water and sewer main.

Andrew Levine, 42 Gurley Road, spoke regarding his concerns and potential impacts to property owners. He submitted a letter to the Commission regarding the project at the start of the meeting.

The Commission discussed the application and made the following findings:

1. The proposed extension of the public water and sewer main within Oil Mill and Gurley Roads is a Municipal Improvement that qualifies for a CGS 8-24 review by the Planning and Zoning Commission.
2. The Waterford Utility Commission has endorsed the proposed utility service extension.
3. This extension of the Public Water and sewer Main is supported by the 2012 Plan of Preservation Conservation and Development in that it is consistent with the Plan by investing in infrastructure in order to promote and to support business and economic development.
4. It is consistent with the goal of the Utility Infrastructure Policy element of the Plan in that it provides for adequate utility infrastructure to meet community needs.
5. The extension of the Public Water and sewer Main is further supported by the 2012 Plan of Preservation Conservation and Development by continuing to support Waterford's desired growth patterns by providing appropriate utility infrastructure.
6. There is a variance process established by Town Ordinance that property owners can pursue to delay connection and the Commission strongly recommends that the Utility Commission consider any requested variances from properties impacted by the extension of the municipal water and sewer system related to this CGS Sec 8-24 application.

MOTION: Motion made by T. Bleasdale, seconded K. Barnett to approve Planning and Zoning CGS 8-24 Application #PL-22-12 for the Extension of the public water and sewer mains within Oil Mill Road and Gurley Road by finding the proposal consistent with the Town of Waterford 2012 Plan of Preservation Conservation and Development and to adopt the findings 1 thru 6 of the staff report.

VOTE: 5-0

#PL-22-14 Request of Michael Buscetto, applicant for approval for Accessory Outdoor Dining with Music at 262 Boston Post Road, C-G zone, in accordance with Section 3.44.b.9 of the Zoning Regulations and as shown on plans entitled "Landscaping and Lighting Plan, Proposed Neighborhood Shopping Center, 262/270 Boston Post Road, Waterford, Connecticut"

Michael Buscetto was present for the application. The Commission discussed the application with the applicant. The Commission discussed potentially reducing the hours on Thursdays and Sundays.

The Commission discussed the application and made the following findings and discussed proposed conditions:

1. The location of the restaurant facility is an approved dining establishment.

2. Accessory Outdoor Dining is permitted as an Accessory Use to an approved dining establishment pursuant to Section 3.44 of the Waterford Zoning Regulations.
3. Application PL-22-14 meets the provisions of Section 3.44.b of the Waterford Zoning Regulations with the following conditions as listed herein.
4. All other Town Ordinances, applicable codes, regulatory agencies requirements, including but not limited to the Town of Waterford Noise Ordinance, all Department of Consumer Protection regulated activities concerning alcohol, and Fire and Building Codes shall apply.
5. All activities on the site must comply with fire zones as established and enforced pursuant to Chapter 8.08 of the Waterford Code of Ordinances, as amended.

Conditions:

1. Accessory Outdoor Dining shall be permitted Monday Thru Sunday between the hours of 11:30 am and 9:00pm. This condition shall apply to the Accessory Outdoor Dining only.
2. Music, as an accessory element to the Outdoor Dining Use shall be permitted Thursday thru Saturday between the hours of 11:30am and 9:00pm and Sunday between the hours of 11:30am and 7:00pm
3. The music and speakers shall be directed toward the seating area.
4. The area for the band and dining shall be as identified on the plan submitted with this application. Any modifications or adjustments to the area as approved on the plan shall be reviewed by the Zoning Official in consultation with other Town agencies as required.
5. Total occupancy of the Outdoor Dining Area shall not exceed 75 patrons. No additional patrons or activities shall take place outside of the area delineated on the plan submitted.
6. All other applicable agency/governing authority approvals shall be the responsibility of the applicant. This approval does not constitute any other required agency or governing authority approvals or conditions.

MOTION: Motion made by G. Massad, seconded T. Bleasdale to approve application PL-22-14 for Accessory Outdoor Dining in accordance with Section 3.44 of the Zoning Regulations at Filomena's Restaurant, located at 262 Boston Post Road including the use of music with conditions 1 thru 6 and to adopt the findings 1 thru 5 of the staff report.

VOTE: 3-2 (K. Barnett and K. Petrini)

#PL-22-11 – Request of Sig Con Associates, applicant, Waterford Central, LLC, owner and 61A Myrock LLC, owner, to change the zone for property located at 61 Myrock Avenue from C-G (General Commercial) to C-MF (Commercial-Multi-Family Residential) and for property located at 61A Myrock Avenue from R-20 (Medium Density Residential) to C-MF (Commercial-Multi-Family Residential).

The Commission discussed the proposed zone change. The Commission discussed that when the application comes back to the Commission for site plan review the Commission will be looking for a traffic review by a third party traffic engineer.

MOTION: Motion made by T. Bleasdale, seconded K. Barnett to approve application PL-22-1 to change the zone for property located at 61 Myrock Avenue from C-G (General Commercial) to C-MF (Commercial-Multi-Family Residential) and for property located at 61A Myrock Avenue from R-20 (Medium Density Residential) to C-MF (Commercial-Multi-Family Residential) with an effective date of August 30, 2022.

VOTE: 5-0

7. ADMINISTRATIVE REVIEW

Staff distributed proposed draft regulations regarding Cannabis and Accessory Dwelling Units.

8. CORRESPONDENCE

Chairman noted that the Commission received correspondence earlier that night from Mr. Levine.

9. COMMISSION BUSINESS

A. End of Year Transfers

Staff reviewed with the Commission two end of year transfers that need to be made to close out last fiscal year.

MOTION: Motion made by G. Massad, seconded K. Barnett to transfer \$474 from account 10110-52030 Professional Fess to account 10110-5250 Dues, Conferences & Education.

VOTE: 5-0

MOTION: Motion made by G. Massad, seconded T. Bleasdale to transfer \$417 from account 10110-51210 Clerical & Technical to account 10110-51120 Dues, Conferences & Education and transfer \$4,855 from account 10110-51210 Clerical & Technical to account 10110-51120 Inspection.

VOTE: 5-0

B. Review of past months and ongoing projects

Nothing to report.

C. Upcoming projects

Nothing to report.

10. ADJOURNMENT

MOTION: Motion made by T. Bleasdale, seconded by K. Barnett, to adjourn the meeting at 9:55 PM.

VOTE: 5-0

Respectfully Submitted,


Katrina Kotfer
Recording Secretary