

MINUTES
Remote Access

Planning & Zoning Commission
Waterford Town Hall

November 9, 2020
6:30 PM

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

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Bunkley called the meeting to order 6:30.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Bashaw, seconded by T. Bleasdale, to approve the minutes of the October 19, 2020 meeting as written.

VOTE: 5-0

3. RECEIPT OF APPLICATIONS

No new applications were received.

4. PUBLIC HEARING

#PL-20-24 – Request of Halifax Development LLC, applicant, to amend the Zoning Regulation Section 8a.2.5 by deleting the following: “excluding drive up windows or counter service”.

Chairman Bunkley opened the public hearing. M. Wujtewicz read the following exhibits into the record:

EXHIBIT 1 - Application and Support Material
EXHIBIT 2 - Public Hearing Notice published in the Day newspaper on October 26, 2020 and November 2, 2020
EXHIBIT 3 - Certified copy of the Zoning Regulations, effective date: September 9, 2020
EXHIBIT 4 - Business & Economic Development POCD excerpt
EXHIBIT 5 - Staff Report dated November 9, 2020 prepared by M. Wujtewicz
EXHIBIT 6 - Restaurant Zoning Map
EXHIBIT 7 - Proposed Section 8a

Hans Kuhlmann of Halifax Development LLC was present. He reviewed the proposed regulation amendment, noting that the property they are interested in is the former Ruby Tuesday restaurant in the Waterford Commons. They are proposing to remove the restriction on drive-thru restaurants and counter service within the SDD (Special Development) Zone District. A preliminary site plan has been submitted for Staff's review. He stated that he had received and reviewed Staff's report (Exhibit 5). G. Massad asked for clarification of where the SDD district is located.

Chairman Bunkley asked if there were any members of the public who wished to speak regarding this application. There were no public comments.

MOTION: Motion made by J. Bashaw, seconded by G. Massad, to close the public hearing at 6:48.

VOTE: 5-0

5. APPLICATION REVIEWS

#PL-20-23 – Request of Charles Hickey, applicant, Charles & Claudette Hickey owners, for Coastal Site Plan approval to construct a single family home on property located at 17 Division Street, R-20 zone as shown on plans titled “CAM Site Plan, Property of Charles Hickey, 17 Division Street, Waterford, Connecticut” dated July 30, 2020, revised to 9/15/20.

Applicant Charles Hickey presented this application to the Commission. He noted that the lot is pre-existing, non-conforming and was included in an approved 1958 subdivision. As such, the lot complies with all dimensional requirements of the zone district in effect at the time the subdivision was approved. The Commission previously approved a CAM site plan for this property for a single family home on April 6, 2009, which was never built, and has since expired. The project involves, in addition to the dwelling, the construction of the access driveway, connection to an existing municipal water & sewer service, utilities and associated site improvements. There are tidal wetlands located on the property, and the parcel is also situated within two FEMA identified flood hazard zones. The proposed structure will be located outside the FEMA regulated flood zones.

M. Wujtewicz reviewed the Coastal Site Plan Review Written Findings & Decisions. The construction and use of a single family residential structure is consistent with the Town Zoning Regulations and 2012 Plan of Conservation and Development. The placement of the structure as far from the coastal resource as practical and still within the required zoning setbacks reduces the effect of proposed grading onto the coastal resources. The Plan identifies an area on the lot within which various invasive species will be removed by hand.

Tidal wetlands were identified on the site. A 25' buffer to the tidal wetlands identified on the plan will be an additional measure to protect the sensitive resource. This buffer is also designated as the rear building line in accordance with Section 25.2.1 of the Zoning Regulations.

Potential to cause erosion/sedimentation; need for adequate sedimentation and erosion control measures: The project as presented identifies the proximity of site disturbance to the coastal resource. This disturbance is of a temporary nature during the construction of the single family dwelling. Erosion controls shall be incorporated at the top of the slope in order to mitigate any erosion that may occur from surface runoff during the construction. The erosion controls shall be left in place until the site has been permanently stabilized.

Water quality and/or stormwater impact: There is a potential for a temporary negative impact to water quality during the construction phase of the project. This potential will be mitigated through the installation and maintenance of erosion control measures as identified on the plan. The implementation of stormwater low impact development measures to mitigate the impact of surface flow generated from roof runoff will reduce the potential for negative impact to coastal resources. Specific design elements to be implemented to mitigate the impacts of stormwater surface flow can be addressed at the time of Zoning Permit review of a building permit for construction.

MOTION: Motion made by J. Bashaw, seconded by G. Massad, to find that this project as approved with conditions 1 thru 4 is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

VOTE: 5-0

Conditions of Approval:

1. Erosion control measures during construction shall be provided on site for the duration of the project and until the establishment of vegetative cover on disturbed areas.
2. No work covered by this permit including the stockpiling of materials shall be conducted west of the proposed silt fence.
3. An as-built survey shall be submitted and approved by the Zoning Official prior to issuance of a Certificate of Zoning Compliance. This requirement is to verify that all improvements

have been constructed in accordance with the approved site plan.

4. No machinery other than a brush hog shall be used in the removal of the invasive species within the area identified on the plan. The planting of salt tolerant native shrubs along the retaining wall and the tidal wetlands is included as part of the restoration of this area.

VOTE: 5-0

#PL-20-24 – Request of Halifax Development LLC, applicant, to amend the Zoning Regulation Section 8a.2.5 by deleting the following: “excluding drive up windows or counter service”.

M. Wujtewicz reviewed the Staff Report (Exhibit 5). The applicant has provided for the Commission’s consideration, a Statement of Use and a narrative describing the proposed change’s consistency with Waterford’s 2012 Plan of Preservation, Conservation and Development. Section 8a.2.5 was included in the enactment of Section 8a – Special Development District. Section 8a was incorporated in the Zoning Regulations Effective January 21, 2001 in support of the creation of the SDD (Special Development) Zone District. There is one SDD District in Town which is located on the Hartford Turnpike (Rte. 85). The majority use within this district is the Waterford Commons Shopping Center. A review of the file for the SDD District section 8a of the Zoning Regulations reveals no discussion or purpose for the inclusion of the restrictions of drive thru and counter service for restaurants. The regulation amendment as proposed would seek to eliminate the restriction that drive up window or counter service is not allowed for sit down restaurants.

The Town currently has six Commercial or Industrial Districts in which Restaurants are allowed without any restriction on drive thru service. One district, Civic Triangle (CT) District, specifically excludes drive thru service for restaurants. Section 20.3g.1 establishes standards and requirements for drive thru service for restaurants so therefore, a restaurant that proposes drive thru service will need to demonstrate compliance with the standards with Section 20.3g.1 as part of a site plan approval.

Pursuant to Section 8-3a of the Connecticut General Statutes, before the Commission acts upon an application to amend the zoning regulations of the Town of Waterford, it must find whether or not the amendment being proposed is consistent with the 2012 Waterford Plan of Preservation, Conservation and Development.

The Goal in the Business/Economic Development section of the Plan directs Waterford to “Promote business and economic development to meet local needs and maintain a favorable tax base” and “...to encourage future business activity...”. By lifting the restriction on drive thru and counter service for restaurants within the SDD District, the Town would be promoting business development while encouraging future business activity in the regional business area adjacent to a state highway. The Town currently allows restaurants within six of its seven Commercial and Industrial Districts to provide drive thru service, with the exception being the Civic Triangle District.

Given the current circumstances that the Business Community is experiencing with restrictions on level of service due to the Covid-19 pandemic, the elimination of the restriction on drive thru and counter service would help to maintain and encourage business activity by meeting the local needs and maintaining a favorable tax base.

The applicant has provided a narrative detailing the consistency of the regulation amendment with the Plan. (Exhibit 1/page 9)

MOTION: Motion made by J. Bashaw, seconded by G. Massad, that based on the information

provided during the public hearing, the Commission finds that:

1. Application PL-20-24 meets the requirements of Section 28 of the Waterford Zoning Regulations.
2. Application PL-20-24 meets the requirements of Connecticut General Statutes Chapter 124 §8-3 governing changes of zoning regulations and districts.
3. The SDD Zone District is located in the regional business area adjacent to the major highway and state road.
4. That the Zoning Regulations currently allow drive thru and counter service with restaurants in six of its Commercial and Industrial Districts.
5. The proposed Regulation Amendment is consistent with 2012 Plan of Preservation Conservation and Development in that the modification as proposed will promote business and economic development to meet local needs and maintain a favorable tax base within the SDD District, and encourage future business activity in the regional business area identified in The Plan.

and that the Commission approve Application PL-20-24 to amend Zoning Regulations Section 8a.2.5, removing the exclusion of drive thru and counter service for restaurants within the SDD Zone District and adopt the findings 1 thru 5 of the Staff Report.

VOTE: 5-0

MOTION: Motion made by J. Bashaw, seconded by G. Massad, to set the effective date for the regulation amendment for December 3, 2020.

VOTE: 5-0

6. CONTINUED PUBLIC HEARING

#PL-20-16 – Request of Fabcon Precast, applicant, Mathon Fund I LLC, owner for Special Permit and Site Plan approval to construct a concrete product manufacturing facility on property located at 140 Waterford Parkway South, IP-1 Zone, in accordance with Sections 13, 22 and 23 of the Zoning Regulations as shown on plans entitled “Inland Wetlands, Special Permit & Site Plan Application for Concrete Manufacturing Plant” dated July 17, 2020.

M. Wujtewicz read the following exhibits into the record:

- EXHIBIT 71 - Letter dated October 1, 2020 to Joseph Bunkley from Kevin Marcks, Chair, Waterford Economic Development Commission
- EXHIBIT 72 - Fuss & O'Neill Review comments dated October 19, 2020
- EXHIBIT 73 - Report of Conservation Commission Action dated October 19, 2020
- EXHIBIT 74 - Potential cul-de-sac layout
- EXHIBIT 75- Narrative Statement revised to October 30, 2020
- EXHIBIT 76 - Revised Site Plans
- EXHIBIT 77 - Landscaping Plan and Existing Vegetation dated 10/30/20
- EXHIBIT 78 - Photometric Plan
- EXHIBIT 79 - Letter dated October 30, 2020 from Loureiro Engineering, response to A. Piersall's comments (Exhibit 69)
- EXHIBIT 80 - Letter dated October 30, 2020 from Loureiro Engineering, response to Fuss & O'Neill's comments (Exhibit 72)
- EXHIBIT 81 - Letter dated October 30, 2020 from Loureiro Engineering, response to M. Wujtewicz's comments (Exhibit 68)

EXHIBIT 82 - Site Line & Vehicle Tracking Analysis
EXHIBIT 83 - Perspective Renderings 110420
EXHIBIT 84 - e-mail correspondence from M. Amsden dated 11/9/20, with attachment
EXHIBIT 85 - e-mail from Victor Ferry dated 11/9/20, with attached photographs
EXHIBIT 86 - October 19, 2020 Design Review Board meeting minutes
EXHIBIT 87 - e-mail correspondence dated November 9, 2020 from Keith Goodrow to Abby Piersall, Subject: FabCon Review LEA Comments

J. DiBuono stated for the record that he has listened to the recordings and reviewed all exhibits for this application, and will be able discuss and act upon it.

Clint Brown and Seamus Moran of Loureiro Engineering, Jeff Prince of Dacon and architect Ken Hyszcak of PDA were present for this application.

C. Brown stated that responses from third party reviewer Fuss & O'Neill were received earlier in the day (Exhibit 87), that indicated that most outstanding comments had been addressed.

C. Brown referred to traffic concerns stated previously in the public hearing, and stated that the plans have been reviewed by the Office of the State Highway and Traffic Administration. He reviewed the Site Line and Vehicle Tracking Analysis (Exhibit 82). He reviewed proposed dust control for the site. He noted that three shifts will be operating, most of the work at night will take place inside the building. OSHA approved white noise devices will be used on vehicles that are stationed on the site. He referred to the noise study submitted (Exhibit 64) and the photometric plan (Exhibit 78). He reviewed proposed views from adjoining properties.

Architect K. Hyszcak reviewed the prospective views submitted as Exhibit 83.

C. Brown stated that the applicant has submitted water usage information, and that the Utility Commission and New London Water have approved the plans. He reviewed the Narrative Statement of Special Permit Findings (Exhibit 75).

K. Barnett noted that it was mentioned at the previous meeting that there may be expansion in the future, and asked if that would cause an increase in water consumption. J. Prince replied that there would be no increase in water consumption.

J. Bashaw referred to item #2 of Exhibit 79 regarding restrictions on nighttime product staging operations, and asked where the restrictions can be found. J. Prince replied that the restrictions are located in the acoustic report.

J. Bashaw asked how to make sure that contaminated soil is not moved from one spot to another on the site. J. Prince replied that environmental testing will be performed. There will be no development in the area of the former landfill.

A. Piersall asked what kind of materials are being proposed for the fencing, and how high the fence will be. C. Brown replied that the fencing will be 6' high, and will not be constructed of wood, but some other material that will provide 100% screening.

A. Piersall asked which vehicles will not be using OSHA approved white noise devices. J. Prince stated that all company vehicles will have white noise alarms. C. Brown stated that it should be easy for vehicles to make the circuit around the site and not have to back up.

Chairman Bunkley asked if there was anyone in the audience who wished to speak regarding this application.

Dr. Victor Ferry of 23 Beechwood Dr. referred to the e-mail he submitted (Exhibit 85). He stated that he is concerned with truck traffic & noise.

Michael Buscetto of 207 Great Neck Road spoke in favor of the project.

Myra Amsden of 40 Rockwood Road referred to the e-mail she submitted (Exhibit 84). She stated that she has many concerns.

Kevin Marks, Chairman of the Economic Development Commission read into the record the letter he submitted on behalf of the Waterford Economic Development Commission (Exhibit 71).

Chairman Bunkley asked if there were any additional comments or questions from the public or Staff. There were no further comments or questions.

MOTION: Motion made by J. Bashaw, seconded by G. Massad, to close the public hearing at 8:30.

VOTE: 5-0

7. CORRESPONDENCE

There was no correspondence.

8. ADMINISTRATIVE REVIEW

2021 Commission Meeting Schedule

MOTION: Motion made by J. Bashaw, seconded by T. Bleasdale, to approve the 2021 Commission schedule, noting that meetings will be held on Tuesdays beginning January 1, 2021.

VOTE: 5-0

FY2020 Annual Report

This item was tabled until the next meeting.

9. ADJOURNMENT

MOTION: Motion made by J. Bashaw, seconded by G. Massad, to adjourn the meeting at 8:42.

VOTE: 5-0

Respectfully Submitted,



Dawn Choisy
Recording Secretary