

MINUTES
Remote Access

Planning & Zoning Commission
Waterford Town Hall

October 26, 2021
6:30 PM

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

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Massad called the meeting to order 6:30.

2. APPROVAL OF MINUTES

MOTION: Motion made by T. Bleasdale, seconded by K. Petrini, to approve the minutes of the October 12, 2021 meeting as written.

VOTE: 3-0

3. RECEIPT OF APPLICATIONS

No new applications were received

4. CORRESPONDENCE

No correspondence was received.

5. COMMISSION BUSINESS

A. Discussion with the Town Attorney concerning recent Advisory Opinion issued by the Town of Waterford Ethics Commission.

Town Attorney R. Avena reviewed the Advisory Opinion with the Commission.

Chairman Massad requested that the items listed under Item #6 on the agenda be discussed at this time while Attorney Avena was available.

Discussion on approach to pending regulation amendments and determination on public hearing schedule.

The Commission discussed the proposed regulation amendment regarding a moratorium on cannabis establishments. Staff will prepare a final draft for the Commission's review at the next meeting.

Review of road acceptance requests. A. Piersall stated that due to scheduling issues, the Board of Selectmen, at a meeting earlier in the evening, gave a favorable recommendation to accept the roads into the Town's system pending approval by the Commission.

RECEIVED FOR RECORD
WATERFORD, CT
2021 OCT 28 PM 1:13
TOWN CLERK

Sea View Terrace – M. Wujtewicz reviewed the following memo with the Planning and Zoning Commission:

The Planning and Zoning Commission approved the above referenced 15 lot resubdivision application on July 14, 2014. The resubdivision included the construction of a new road to be known as Sea View Terrace. The developer constructed the road and all associated infrastructure including drainage, municipal sewer and municipal water. In accordance with the Town of Waterford Subdivision Regulations the developer is requesting that the roadway and associated public improvements be accepted by the Town.

The process of public improvements acceptance requires that the request for acceptance be referred for review to Town Departments and Agencies including the Department of Public Works and the Utility Commission. Upon receiving favorable reports from these departments, the Planning and Zoning Commission may then forward a recommendation to the Board of Selectman that the improvements be accepted and any appropriate reduction in the performance bond be acted upon. In this instance, the amount of the performance bond being held in the form of a letter of credit in favor of the Town of Waterford is \$361,667.00. The original bond for public improvements was \$1,101,955.00. In accordance with the Town of Waterford Subdivision Regulations, once the public improvements have been accepted by the RTM, the performance bond may be reduced to no less than 10 percent of the original performance bond amount or \$110,195.00. This amount will then become a maintenance bond required to be held by the Town for a period of one year and 15 days after formal acceptance by the RTM. If any defects arise from the public improvements within the guarantee period, the developer has been given authorization by the Director of Public Works to perform whatever measures are deemed necessary to rectify any defects. In accordance with the Subdivision Bond Agreement, if the developer does not satisfactorily adhere to the requirements of the maintenance obligations, the Town is entitled to all or such portion of the bond in order to cause repairs to be made that are sufficient to ensure compliance with the maintenance obligations. The Commission has previously received for this meeting a letter from the Director of Public Works stating that construction of Sea View Terrace sufficiently complies with Town standards and recommends the Town proceed with the road acceptance. The Asst. Director of the Utility Commission also responded on October 25, 2021 that the utility work had been constructed and completed consistent with the Town of Waterford Utility Commission standards.

Due to the timing of the planting season and that there are homes constructed, not all street trees have been installed in accordance with the approved subdivision plan. Currently there are six street trees that have yet to be installed. The developer has provided an estimate in the amount of \$1,650.00 for the installation of those trees. The commission may condition the acceptance of the road by requesting that \$1,650.00 be held in addition to the required maintenance bond amount to ensure that at the time of planting, either the trees be installed or an acceptable alternative be employed based upon the homeowners landscaping.

Acceptance of Sea View Terrace is recommended contingent on approval by the Town Attorney of all documents, an additional \$1,650.00 be held for the remaining street tree installation and that the performance bond be reduced to \$110,195.00 as a maintenance bond to be held for a period of one year and 15 days from formal acceptance by the RTM. Formal acceptance of Sea View Terrace will allow the households that are on this street and those that will be built to receive Town services.

MOTION: Motion made by T. Bleasdale, seconded by K. Petrini, to recommend to the Board of Selectman that the improvements of SeaView Terrace be accepted with the following conditions:

1. Review and approval by the Town Attorney of all documents
2. Withholding an additional amount of \$1,650.00 for the installation of street trees until such time that they are installed or alternative measures are approved by Staff and implemented based upon existing conditions at the time of planting.
3. The performance bond be reduced to \$110,195.00 as a maintenance bond

VOTE: 3-0

Kathryn Court – M. Wujtewicz reviewed the following memo with the Commission:

The Planning and Zoning Commission conditionally approved the above referenced 12 lot resubdivision application on June 13, 2016. The resubdivision included the construction of a new road to be known as Kathryn Court. The developer constructed the road and all associated infrastructure including drainage and municipal water. The lots are served by onsite septic systems. In accordance with the Town of Waterford Subdivision Regulations the developer is requesting that the roadway and associated public improvements be accepted by the Town.

The process of public improvements acceptance requires that the request for acceptance be referred for review to Town Departments and Agencies including the Department of Public Works and the Utility Commission. Upon receiving favorable reports from these departments, the Planning and Zoning Commission may then forward a recommendation to the Board of Selectman that the improvements be accepted and any appropriate reduction in the performance bond be acted upon. In this instance, the resubdivision was approved conditionally and therefore the amount of the performance bond being held is of the amount necessary to become a maintenance bond. This maintenance bond is required to be held by the Town for a period of one year and 15 days after formal acceptance by the RTM. If any defects arise from the public improvements within the guarantee period, the developer has been given authorization by the Director of Public Works to perform whatever measures are deemed necessary to rectify any defects. In accordance with the Subdivision Bond Agreement between the developer and the Town of Waterford, if the developer does not satisfactorily adhere to the requirements of the maintenance obligations, the Town is entitled to all or such portion of the bond in order to cause repairs to be made that are sufficient to ensure compliance with the maintenance obligations.

The Commission has previously received for this meeting, a letter from the Director of Public Works stating that construction of Kathryn Court sufficiently complies with Town standards and recommends the Town proceed with the road acceptance. The Asst. Director of the Utility Commission also responded on September 12, 2017 that the utility work had been constructed and completed to that departments satisfaction. The only outstanding issue at that time for the Utility Commission was that the As-Built drawings did not indicate swing ties for the water system. That has since been rectified and the updated as-built plans have been submitted and found acceptable.

Acceptance of Kathryn Court is recommended contingent on approval by the Town Attorney of all documents and that the performance bond be retained as a maintenance bond in the full amount of \$46,383.00 to be held for a period of one year and 15 days from formal acceptance by the RTM.

Formal acceptance of Kathryn Court will allow the households that are on this street and those that will be built to receive town services.

MOTION: Motion made by T. Bleasdale, seconded by K. Petrini, to recommend to the Board of Selectman that the improvements of Kathryn Court be accepted with the following conditions:

1. Review and approval by the Town Attorney of all documents
2. The performance bond be retained as a maintenance bond in the full amount of \$46,383.00.

VOTE: 3-0

Discussion on Waterford's Accessory Dwelling Unit Regulations Relative to Public Act 21-29.

A. Piersall reviewed her memo dated July 9, 2021 with the Commission. Chairman Massad suggested discussing this and other proposed regulation amendments further at the next meeting, when the full Commission is present.

B. Review of past months and ongoing projects

C. Upcoming projects

Staff updated the Commission on the status of ongoing projects and projects that may be coming before the Commission.

6. ADMINISTRATIVE REVIEW

A. Discussion on approach to pending regulation amendments and determination on public hearing schedule.

B. Review of road acceptance requests

a. Kathryn Court

b. Seaview Terrace

These items were previously discussed.

7. ADJOURNMENT

MOTION: Motion made by K. Petrini, seconded by T. Bleasdale, to adjourn the meeting at 7:35.

VOTE: 3-0

Respectfully Submitted,


Dawn Choisy
Recording Secretary