

MINUTES
Remote Access

Planning & Zoning Commission
Waterford Town Hall

September 28, 2020
6:30 PM

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

RECEIVED FOR RECORD
WATERFORD, CT
2020 SEP 29 PM 12:59

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairman Bunkley called the meeting to order at 6:30. K. Barnett was appointed to sit for G. Massad.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Bashaw, seconded by J. Bunkley, to approve the minutes of the August 24, 2020 meeting as written.

VOTE: 2-0-1, J. Bashaw abstaining.

3. RECEIPT OF APPLICATIONS

#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.

M. Wujtewicz stated that this application is in order for receipt, and will be scheduled for the Commission’s review at a future meeting.

4. PUBLIC HEARINGS

#PL-20-17 – Request of Eileen DeGaetano, owner, Evan DeGaetano, applicant, for a 2-lot resubdivision and request for waiver of Section 5.3.8 (Flag Lots) of the Subdivision Regulations for property located at 29 Huntsbrook Road, RU-120 Zone, and as shown on plans titled “Resubdivision Plan, Boundary Survey Plan Prepared for Eileen S. DeGaetano”

M. Wujtewicz stated that because the applicant is requesting a waiver of the subdivision regulations, an affirmative vote by 4 members of the Commission is required. Since there are only 3 members of the Commission present, the public hearing can be opened and closed, but a vote can’t be taken until there are 4 voting members. Commission members not present will need to review the application materials and review the recording prior to the next scheduled meeting in order to vote on this application.

M. Wujtewicz read the exhibit list into the record:

EXHIBIT 1 - Application
EXHIBIT 2 - Plan titled “Resubdivision Plan, Boundary Survey” dated May 3, 2020
revised through: August 2, 2020
EXHIBIT 3 - Letter dated August 3, 2020 from Brian Florek, Florek surveying, requesting

- a waiver of Section 5.3.8 of the subdivision regulations.
- EXHIBIT 4 - Statement of Use dated August 3, 2020, prepared by Brian Florek.
 - EXHIBIT 5 - Drainage impact assessment dated July 29, 2020
 - EXHIBIT 6 - Report of Conservation Commission Action dated August 20, 2020.
 - EXHIBIT 7 - Notice of Public Hearing advertised in the Day newspaper on September 14, 2020 and September 21, 2020
 - EXHIBIT 8 - Notification letter to applicant dated September 8, 2020
 - EXHIBIT 9 - Certificates of mailing received 9/17/2020
 - EXHIBIT 10 - Plan titled "Compilation Plan, Plan prepared for Stephen O. Onuparik, 19 & 23 Hunts Brook Road" dated revised: September 17, 2020
 - EXHIBIT 11 - Staff report dated Sept. 18, 2020

Brian Florek, agent for the applicant, presented this application.

The project as proposed is for a 2-lot residential resubdivision located at 29 Hunts Brook Road. The property is located within the RU-120 (Rural Residential) Zone District. The gross area of the parcel is approx. 5.92 acres and contains inland wetlands. The parcel has frontage along Hunts Brook Road, a Town accepted road. The proposed lots will each access Hunts Brook Road across their respective frontage. There are no public improvements proposed for this project.

The proposed lot designated as Lot 1 is configured as a Flag Lot as defined in Section 3.38 of the Zoning Regulations. Proposed Lot 2, which contains an existing single family dwelling is configured as a standard frontage lot which meets the bulk requirements of the RU-120 Zone District. Due to the fact that proposed Lot 1 is configured as a Flag Lot, the applicant is requesting a waiver of the Subdivision Regulations Section 5.3.8 which limits the number of Flag Lots allowed in a subdivision to no more than 20% of the lots proposed. The present application proposes 50% of the lots as Flag Lots.

The existing dwelling is served by an onsite septic system and well and the proposed Lot 1 will also be served by onsite septic and well.

The proposal also identifies an area of 26,095 square feet to be acquired from an adjacent parcel. This area is proposed to be added to the subject parcels in order that the lots proposed meet the lot design requirements for the RU-120 Zone District Standards. A plan has been submitted into the record (Exhibit 10) which identifies the area to be conveyed and the configuration of the adjacent parcel after conveyance

The Waterford Conservation Commission has granted an inland wetland permit #C-20-11 for regulated activities associated with the proposed residential subdivision.

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

MOTION: Motion made by J. Bashaw, seconded by J. Bunkley, to close the public hearing at 6:45.

VOTE: 3-0

#PL-20-20/22 – Request of Sig Con Associates, LLC, applicant; Home Theater TV & Douglas Z. Wieczorek owners, to change the zone for properties located at 384 & 394 Willetts Avenue Ext. from C-G (General Commercial) to C-MF (Commercial Multi-Family). Applicant is also requesting to amend Section 16.3 of the Zoning Regulations (Minimum Lot Frontage and Width) to reduce the minimum required frontage from 250 feet to 150 feet, and Section 18.3.8 (Maximum

Building Height) to remove the requirement for an elevator in buildings of more than three stories.

Chairman Bunkley opened the public hearing. A. Piersall noted that this proposal consists of two separate applications, one for a regulation amendment and one for a map amendment.

M. Wujtecwicz read the exhibit list into the record:

- EXHIBIT 1 - Application
- EXHIBIT 2 - Planning & Zoning Application supplement
- EXHIBIT 3 - Property & topographic Survey of Nos. 384 and 394 Willetts Avenue
Extension dated August 2, 2020
- EXHIBIT 4 - Proposed Zone Change Plan dated 8/28/20
- EXHIBIT 5 - NDDDB Map June 2020
- EXHIBIT 6 - Notice of Public Hearing advertised in the Day newspaper on September 16,
2020 and September 21, 2020
- EXHIBIT 7 - Notification letter to applicant dated September 15, 2020
- EXHIBIT 8 - Certified copy of the Zoning Regulations – effective date: September 9, 2020
- EXHIBIT 9 – Pages of Policy Guide effective 010112
- EXHIBIT 10 - Certificates of abutter mailings received 9/18/2020
- EXHIBIT 11 - Application supplement, revised to 9/21/20
- EXHIBIT 12 - Staff Report dated September 28, 2020
- EXHIBIT 13 - Letter received from Waterford Ambulance Service
- EXHIBIT 14 - e-mail correspondence from Bruce Grant, 390 Willetts Ave Ext.
- EXHIBIT 15 - Architectural renderings of proposed buildings

Project Engineer Brandon Handfield presented this application. Also present was Kevin Daley of Sig Con Associates. B. Handfield reviewed the zone change request. The applicant is proposing to change the zone of the subject properties from C-G (General Commercial) to C-MF (Commercial Multi-Family). The change would maintain the uses allowed in the C-G zone, while allowing for multi-family development.

B. Handfield reviewed the proposed amendments to the zoning regulations. The applicant is proposing to amend Section 16.3 to reduce the current minimum frontage requirement for parcels in the C-MF zone district from 250 feet to 150 feet for multi-family developments. Also being requested is an amendment to Section 18.3.8 to remove the requirement for an elevator in buildings with more than three stories. He noted that construction requirements, such as the requirement for elevators, are governed by the building and fire codes. He also stated that the Zoning Regulations do not contain a definition of story. He reviewed the architectural renderings submitted as Exhibit 15. He entered into the record as Exhibit 16 a letter from Architect John A. Wicko regarding handicap access for the proposed building.

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 K. Barnett, to close the public hearing at 7:17.

VOTE: 3-0

5. APPLICATION REVIEWS

#PL-20-17 – Request of Eileen DeGaetano, owner, Evan DeGaetano, applicant, for a 2-lot resubdivision and request for waiver of Section 5.3.8 (Flag Lots) of the Subdivision Regulations for

property located at 29 Huntsbrook Road, RU-120 Zone, and as shown on plans titled "Resubdivision Plan, Boundary Survey Plan Prepared for Eileen S. DeGaetano"

Review of this application was tabled.

#PL-20-20/22 – Request of Sig Con Associates, LLC, applicant; Home Theater TV & Douglas Z. Wieczorek owners, to change the zone for properties located at 384 & 394 Willetts Avenue Ext. from C-G (General Commercial) to C-MF (Commercial Multi-Family). Applicant is also requesting to amend Section 16.3 of the Zoning Regulations (Minimum Lot Frontage and Width) to reduce the minimum required frontage from 250 feet to 150 feet, and Section 18.3.8 (Maximum Building Height) to remove the requirement for an elevator in buildings of more than three stories.

The Commission reviewed the information contained in the Staff Report (Exhibit 11) regarding the Zoning Map Amendment (#PL-20-20). The applicant proposes to change the zone designation of two parcels currently located within the C-G (General Commercial) Zone District. The parcels known as 384 and 394 Willetts Avenue Extension are located on the southerly side of Willetts Avenue Extension and have a combined area of 26.64 acres. 394 Willetts Avenue Extension is a vacant parcel that contains 26.16 acres. 384 Willetts Avenue Extension abuts 384 Willetts Ave Ext to the east and contains 0.48 acres. It also includes an outbuilding.

The uses that are permitted in the C-MF Zone District include Multi-Family Development in accordance with Section 18 of the Zoning Regulations in addition to all uses that are currently permitted or specially permitted within the C-G Zone District.

Pursuant to Section 8-3a of the Connecticut General Statutes, before the Commission acts upon an application to change the zoning map of the Town of Waterford, it must consider whether the amendment being proposed is consistent with the 2012 Waterford Plan of Preservation, Conservation and Development, herein after called the Plan.

The Community Structure Map of the 2012 Plan of Preservation, Conservation and Development identifies areas for Possible Future Mixed Use Nodes (Exhibit 9). The parcels that are included in the Zone Map Amendment are located within one of these areas identified on the Map. "Mixed Use" for the purposes of the Plan, are residential uses that are combined with nonresidential uses such as commercial, industrial, office or institutional uses. The existing zone district in which these parcels are located is C-G (General Commercial) District. The only residential use allowed in the C-G Zone are Single Family Residential and Accessory Apartments within Single Family Dwellings. The proposed change to a C-MF Zone for the area identified in the Proposed Zone Change Plan (Exhibit 4) allows the addition of Multi Family Development in an area identified in the Plan as a Future Mixed Use Node. This is consistent with a stated goal of the Plan by "Increasing Opportunities for Mixed Use and Village Style Development". (Exhibit 9)

Another stated goal in the Plan for Residential Development is to "Encourage a variety of housing types and densities to meet the housing needs of current and future residents." The proposed zone map amendment will provide for the opportunity to contribute to a more diverse housing portfolio by allowing Multi-Family Development in an area where there is currently adequate infrastructure to support multi-family use. (Exhibit 9)

MOTION: Motion made by J. Bashaw, seconded by J. Bunkley to make the following findings:

1. Application PL-20-20 meets the requirements of Section 28 of the Waterford Zoning Regulations.

2. Application PL-20-20 meets the requirements of Connecticut General Statutes Chapter 124 §8-3 governing changes of zoning regulations and districts.
3. The proposed Zone Map Amendment is consistent with 2012 Plan of Preservation Conservation and Development in that it provides for Mixed Use Development within an area identified as a future Mixed Use Node and contains adequate infrastructure to support the use.

And to approve Application #PL-20-20 to change the Zone Designation for properties located at 384 and 394 Willetts Avenue Extension from C-G (General Commercial) to C-MF (Commercial Multi-Family) and adopt the findings 1 thru 3 of the Staff Report.

VOTE: 3-0

MOTION: Motion made by J. Bunkley, seconded by J. Bashaw, to set the effective date for this amendment for October 21, 2020.

VOTE: 3-0

The Commission reviewed the information contained in the Staff Report regarding the Zoning Regulation Amendments (#PL-20-22). The applicant has proposed amendments to two sections of the Zoning Regulations. One amendment is to reduce the minimum required frontage on parcels that will be developed for multifamily use from 250 feet to 150 feet. The applicant has provided for the Commission's consideration, a description of the proposed change and whether there would be impacts associated with a reduction in the minimum frontage requirement.

In accordance with Section 18.3.12(c) of the Zoning Regulations, the main entrance driveway serving a multifamily development shall be 28 feet in width from edge to edge of pavement. If there is proposed two lanes with dedicated one way flow for each lane, such as a boulevard style entrance, each lane shall be 14 feet in width, not including the landscaped area between the two lanes.

Driveways in Commercial Districts are also not to be more than 30 feet in width at the right-of-way line and no more than 55 feet in width at the curb line. The proposed frontage of 150 feet would still accommodate the widths of the drives at the frontage.

Remove the language from the zoning regulations requiring elevators in buildings which are greater than three (3) stories. The requirements for elevators in multifamily buildings of more than three (3) stories was added to the Zoning Regulations on January 31, 2018 as part of a package of amendments to the multifamily sections of the Zoning Regulations. The increase in the maximum building height of multifamily buildings was also included in the package of regulation amendments approved in January 2018. The construction requirements of buildings is governed by the building and fire codes. As such, the elimination of the elevator requirement from the Zoning Regulations would not impact building and fire code compliance as required through the review and issuance of building permits.

MOTION: Motion made by J. Bashaw, seconded by J. Bunkley to make the following findings:

1. Application PL-20-22 meets the requirements of Section 28 of the Waterford Zoning Regulations.
2. Application PL-20-22 meets the requirements of Connecticut General Statutes Chapter 124 §8-3 governing changes of zoning regulations and districts.
3. The proposed Regulation Amendments are consistent with the 2012 Plan of Preservation, Conservation and Development in that the modifications proposed

will provide for additional opportunities for Multi-Family Development in contributing to a more diverse housing portfolio.

And to approve Application #PL-20-22 to amend Zoning Regulations Section 16.3, reducing the minimum frontage requirements from 250 feet to 150 feet, and Section 18.3.8, removing the requirement to have an elevator for buildings of more than three (3) stories and adopt findings 1 thru 3 of the Staff Report.

VOTE: 3-0

MOTION: Motion made by J. Bunkley, seconded by J. Bashaw, to set the effective date for this regulation amendment for October 21, 2020.

VOTE: 3-0

6. CORRESPONDENCE

No correspondence was received.

7. ADMINISTRATIVE REVIEW

A. Piersall stated that Staff is looking into the possibility of changing meeting days from Monday to Tuesday. This will be discussed further when there are more Commission members present.

8. ADJOURNMENT

MOTION: Motion made by J. Bashaw, seconded by J. Bunkley, to adjourn the meeting at 7:30.

VOTE: 3-0

Respectfully Submitted,


Dawn Choisy
Recording Secretary