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Planning & Zoning Commission
Waterford Town Hall

MEETING: *David L. Lopez* July 13, 2020
TOWN CLERK 6:30 PM

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

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 T. Bleasdale.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. DiBuono, seconded by J. Bashaw, to approve the minutes of the June 22, 2020 special meeting as written.

VOTE: 5-0

3. INFORMAL PRESENTATION

Brandon Handfield of Yantic River Consultants briefly reviewed a potential multi-family apartment development on property located at 394 Willetts Avenue.

4. RECEIPT OF APPLICATIONS

#PL-20-21 – Request of Lorraine Harrington & Christina LaPlante, Trustees and applicant, for Coastal Site Plan review and approval in accordance with Section 25.4 of the Zoning Regulations for installation of a bulkhead at 4 Bayside Avenue, VR-10 zone, and as shown on plans titled “Coastal Site Plan, New Bulkhead” dated April 10, 2020, revised to 7/2/20.

M. Wujtewicz stated that the above application was received after the agenda was posted, but within the statutory timeframe for receipt by the Commission, and will be scheduled for the Commission’s review.

5. CONTINUED PUBLIC HEARING

#PL-20-4 – Request of Nicholas T. & Donna J. Muscarella, owners, Mary Stoddard, applicant for special permit and site plan approval to conduct agri-tourism activities on property located at 116 Old Colchester Road, RU-120 zone in accordance with sections 3.41, 22 and 23 of the zoning regulations and as shown on plans titled “Site Plan Property Belonging to: Nicholas T. Muscarella Jr. Trustee, et al” revised to November 11, 2019.

M. Wujtewicz stated that the following exhibits were received after the last meeting:

EXHIBIT 16 – Building Official Review Comments dated 3/12/20
EXHIBIT 17 – Fire Marshal Plan Review Comments dated 7/10/20
EXHIBIT 18 - 116 Old Colchester Staff Report Rev 071020

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

M. Wujtecwicz reviewed the Staff report (Exhibit 18). J. Bashaw asked if the applicant would like to respond to the Building Official's review comments (Exhibit 16) or the Staff memo. Attorney G. Videll, representing the applicant, stated that although they don't agree wholeheartedly, they accept the comments and conditions.

MOTION: Motion made by J. Bashaw, seconded by J. DiBuono, to close the public hearing at 7:05.

VOTE: 5-0

6. PUBLIC HEARING

#PL-20-18 – Request of 132 Cross Road LLC owner and applicant for special permit and site plan modification for property located at 70 Foster Road in accordance with sections 12, 22 and 23 of the zoning regulations and as shown on plans titled "132 Cross Road & 70-74 Foster Road, Town of Waterford, Connecticut Prepared for B&W Paving & Landscaping, Modified Building C" dated 4/18/12 revised to 2/28/20.

M. Wujtecwicz read the following exhibits into the record:

- EXHIBIT 1 - Application
- EXHIBIT 2 - Site Plans dated 4/18/12 revised to 5/29/20
- EXHIBIT 3 - Statement of Use
- EXHIBIT 4 - Drainage Report
- EXHIBIT 5 - Building C
- EXHIBIT 6 - Drainage Map
- EXHIBIT 7 - Response to Comments
- EXHIBIT 8 - Notice of Public Hearing advertised in the Day newspaper on June 29, 2020 and July 6, 2020
- EXHIBIT 9 - Hearing notification letter to applicant dated June 25, 2020 along with certificates of mailing.
- EXHIBIT 10 - Special Permit PL-15-2
- EXHIBIT 11 - Site Plans 070220 Full Set
- EXHIBIT 12 - Staff Report
- EXHIBIT 13 - Buildings F & G, New Floor Plan dated May 27, 2020
- EXHIBIT 14 - Arcrite Automation Tenant Space Floor Plans revised to 3/23/20

Project Engineer Ellen Bartlett of CLA Engineers reviewed the application with the Commission. The application is to change the proposed use for Building F from storage/warehouse to a vehicle repair facility and changing the use of Building G from storage/warehouse to manufacturing with warehouse and office space. The proposed uses for Buildings F & G are allowed uses for the zone, a special permit is needed for vehicle repair. The application is also a modification to an existing special permit, which contained a condition that the only vehicle repair allowed on the site would be performed on vehicles that are owned by the property owner. The application is also proposing to construct additional parking spaces on the south side of the Cross Fit Gym and the west side of building D for use by gym members and Building C renters.

Chairman Bunkley asked if there any members of the public would like to comment on the application. There were no public comments.

MOTION: Motion made by G. Massad, seconded by J. Bashaw to close the public hearing at 7:17.

VOTE: 5-0

7. APPLICATION REVIEWS

#PL-20-4 – Request of Nicholas T. & Donna J. Muscarella, owners, Mary Stoddard, applicant for special permit and site plan approval to conduct agri-tourism activities on property located at 116 Old Colchester Road, RU-120 zone in accordance with sections 3.41, 22 and 23 of the zoning regulations and as shown on plans titled “Site Plan Property Belonging to: Nicholas T. Muscarella Jr. Trustee, et al” revised to November 11, 2019.

Commission members reviewed the information contained in Staff’s memo (Exhibit 18). J. Bashaw stated that he would not be in favor of approving temporary bathrooms being used for a permanent structure, which he understands would not be allowed under the Building Code. G. Massad asked if the barn could be used as an accessory to an outdoor event. A. Piersall replied that the application materials in the record show that the barn and the area immediately around it would be used for barn events, and activities would take place in the other areas designated on the submitted plans.

K. Barnett asked if a tent were erected away from the barn area, would portable bathrooms be allowed. A. Piersall replied that the site plans submitted did not show an area for a tent.

Attorney Kepple noted that the application material submitted states that all activities will comply with all local, state and federal regulations.

A. Piersall stated that the Commission needs to find that all conditions of Section 23 have been met.

MOTION: Motion made by J. Bashaw to approve application #PL-20-4 subject to the findings & conditions set forth in Staff’s memo dated 7/13/2020, highlighting that use of the barn structure itself is conditioned upon adequate sewage disposal system construction and implementation to the satisfaction of all appropriate regulatory authorities & that any activity that is not otherwise recognized or set forth in the application described such as the use of the location for other large events on a one-time basis and on-going activities such as flower picking or horseback riding, things of that nature, if not part of the application are not part of the approval. G. Massad seconded the motion.

The Commission discussed the motion. G. Massad requested an amendment to the motion to allow for use of the barn when it is not the primary area of the event. J. Bashaw stated that he accepts the amendment to the motion. A. Piersall stated that whether the occupancy of the barn is for a wedding, an exhibit or anything else, the location of permanent facilities to allow anyone for any reason to occupy the barn in that kind of capacity still needs to go through the building permitting process. Unless a modification is granted, there may be issues down the road with the temporary element of having other facilities available if the barn does not have a certificate of occupancy. As of today, no certificate of occupancy has been issued for the barn, so it can’t be used for any purpose. J. Bashaw stated that he would not propose to approve anything that does not comply with the building code. He stated that they can’t have a large structured event where the primary use of it is the barn, until it is hooked up to an adequate sewerage system.

VOTE: 5-0

Findings:

1. The property is located within the RU-120 (Rural Residential) Zone District.
2. The property is eligible for the establishment of Agritourism uses in that it meets the criteria of Section 3.41.2(a) of the Zoning Regulations.
3. Agri-tourism uses are allowed through the issuance of a Special Permit in accordance with Section 6.2.9 of the Zoning Regulations.
4. A site plan was submitted which, as conditioned, will comply with the Town of Waterford Zoning Regulations.
5. The report provided by the applicant in accordance with Section 23.5 identifies the findings required to be found consistent with sections 23.5.1 through 23.5.9.
6. The design of the septic system proposed was reviewed by the Ledge Light Health District and found to be adequate to serve the proposed uses provided it be designed with the conditions as stated in the letter to the Design Engineer dated November 26, 2019 (Exhibit 6).

Conditions:

Public Works

Any work within the roadway would require repair per the towns street use regulations.

1. Provide location of stop bar and Stop Sign of driveway intersection with Old Colchester Road.
2. Provide sight line distances right and left of driveway onto Old Colchester Road.
3. Provide grading plan at apron to prevent stormwater from right of way traveling down the entrance driveway.
4. Saw cut edge of Old Colchester Road to receive new driveway apron.
5. Recommend that driveway be constructed from the property line to the road per the Apron detail on Sheet 4/7 (Eliminate millings within the right of way.)

Ledge Light Health District

- Conditions listed in the November 26, 2019 letter written to engineer by George Calkins shall be met prior to final approval. (Exhibit 6)

Fire Marshal

The SITE plans received on **02/07/2020** by this Office were reviewed to determine compliance with the provisions of the 2018 Connecticut Fire Safety Code (CSFSC) the per Sec. 29-292-1e of the CT General Statutes. The occupancy is being categorized as an "**A-2 Assembly Occupancy**"

The following items must be addressed:

1. The plan does not indicate if this building is proposed to be protected by a fire sprinkler system, which may be required depending on its use and occupant load.
2. A designated fire lane is required on the west side of the building with signs stating "Fire Lane, No Parking" and "Loading & Unloading Only".
3. The driveway should be designed to handle weight of fire apparatus.
4. The large "Existing Frame Barn" is the only structure on the property that will considered by this Office for Public Occupancy upon submittal of proper building plans. If other structures

shown on this site plan are planned to be used by the public, they need to be presented and state their intended use in order to be reviewed and approved for such use within the requirements of the Connecticut State Fire Safety Code and the Connecticut State Fire Prevention Code.

Planning

1. The Zoning Compliance Chart on the Site Plan indicate the correct Zone District
2. The lower parking lot has an interior drive width of 14 feet. The angle of the parking spaces must be realigned in order to promote the correct one way traffic circulation.
3. Truck loading space must be sized to 12' x 60'.
4. The proposed business sign must be located no closer than 10 feet to the front property line.

#PL-20-10 – Request of Petroleum Marketing Investment Group, LLC owner and applicant for modification of an approved site plan on property located at 446 Boston Post Road in accordance with sections 7 and 22 of the zoning regulations and as shown on plans titled “Modified Site Plan, “Henny Penny” Filling Station/Convenience Store Expansion” dated 3/16/2020.

Project Engineer David Faist of CMG Environmental, Inc, applicant Steve Salveggio of Petroleum Marketing Investment Group, LLC and Architect Joseph Deluca of Millenium Design Associates were present for this application.

J. Deluca reviewed the design of the building. The applicant is proposing to demolish the existing convenience store/gas station on the site and construct a new 2,948 square foot convenience store with a tenant, a new canopy with 4 fuel pump islands and 22 parking spaces and 4 vehicle fueling positions.

D. Faist reviewed the existing and proposed site. The site work included in the site modification will include the construction of a retaining wall, associated filling and grading in order to accommodate the expanded facility and parking, installation of a stormwater management system and landscaping. The Conservation Commission has issued a permit for the project.

M. Wujtewicz reviewed the Staff Report dated July 13, 2020. The property is currently being used as a convenience store (Retail) and gas station (Service Station). The improvements presented to the site are to expand the site footprint in order to accommodate a larger retail store, increase in the number of fuel dispensing pumps and accommodate traffic circulation. The previously approved site plan included the following variances to the Zoning Regulations which were granted by ZBA approval 93-01:

1. Section 20.17.1a – Reduce front landscape buffer from 15 feet to 6 feet minimum
2. Section 7.4.1 – Reduce the front yard setback from 75 feet to 8 feet minimum to allow the installation of a fuel pump canopy.
3. Section 20.8b – To allow parking along an access drive within 25 feet of a street line in lieu of the required 40 feet distance.

Once variances have been approved by the Zoning Board of Appeals, those variances granted run with the land. The applicant for this project has incorporated those approved variances into the project site plan.

The plan identifies the installation of a retaining wall with associated grading. A portion of this wall and fence extends into the sideyard setback. The overall height as measured from grade on the interior side of the wall to the top of the fence within that portion of the wall located within the

setback exceeds 6 feet. In order for the overall height to be compliant with the Zoning Regulations for structures extending into the required setbacks, it must be reduced to 6 feet or less.

Commission members stated that the height of the fence should be even.

M. Wujtecwicz stated that the Design Review Board reviewed this application earlier in the day, and stated concerns with the amount of landscaping behind the proposed building, requesting that more landscaping be added. D. Faist stated that a planting plan was provided with the application materials, and additional plantings can be added.

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

1. The retail store and service station are permitted within the NB Zone District.
2. A site plan approval #93-114 was previously granted for this property for the construction of a retail and service station use.
3. Variances were granted by the Zoning Board of Appeals through Application #93-01.
4. The variances granted through application 93-01 have been incorporated into this project site plan.
5. The site plan conforms to Section 22 of the Town of Waterford Zoning Regulations.
6. The project was issued an Inland Wetlands Permit #C-20-9 and a final report has been submitted to the Planning and Zoning Commission in accordance with CGS 8-3(g)
7. 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

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

1. The height of the wall/fence combination structure must be reduced to 6 feet or less on that portion of the retaining wall that encroaches into the area of the sideyard setback.
2. All conditions associated with Inland Wetlands permit #C-20-9 shall be incorporated into this decision as if fully set forth herein.
3. The planting plan be modified to provide more screening along the rear of the structure and parking lot.
4. The height of the proposed fence be even throughout.

MOTION: Motion made by J. Bashaw, seconded by J. Dibuono to approve with conditions Planning and Zoning Modified Site Plan Application #PL-20-10 the Henny Penny Convenience Store located at 446 Boston Post Road with conditions 1 through 4 and to adopt the findings 1 through 7 of the staff report.

VOTE: 5-0

#PL-20-18 – Request of 132 Cross Road LLC owner and applicant for special permit and site plan modification for property located at 70 Foster Road in accordance with sections 12, 22 and 23 of the zoning regulations and as shown on plans titled “132 Cross Road & 70-74 Foster Road, Town of Waterford, Connecticut Prepared for B&W Paving & Landscaping, Modified Building C” dated 4/18/12 revised to 2/28/20.

M. Wujtewicz reviewed the Staff memo (Exhibit 12). The uses established at 132 Cross Road and 70 Foster Road along with the associated site work were previously approved through the issuance of Special Permit and Site Plans PL-12-15, PL-15-2 and PL-17-12. In accordance with Section 22.7 and 23.9 of the Zoning Regulations, any changes to an approved Site Plan and/or Special Permit requires the submission of a new Site Plan application and a new Special Permit.

The change in use of Building F from Warehouse to Vehicle Repair is one that requires a new Special Permit in accordance with Section 12.2.12 of the Zoning Regulations. The change to the approved use also requires site plan modifications in order to support the proposed use. Parking modifications, stormwater design modifications, installation of required hazardous waste treatment facilities for the vehicle repair use are all incorporated into the modified site plan.

The previous special permit for the property, PL-15-2 conditioned that the vehicle repair use was limited to the owner's business vehicles and for installation of equipment that was sold from a previously approved vehicle accessory retail establishment located in one of the buildings on the property. The addition of the new vehicle repair facility for the repair of fire trucks and equipment by Shipman's Fire Equipment Company requires that a new Special Permit be issued that allows the repair of vehicles other than those belonging to the owner.

The approved Use in Building G, although never completed, was for Storage and Warehousing. This application proposes a change of that use to Manufacturing. Manufacturing is a permitted use in the I-C Zone District as identified in Section 12.1.4 of the Zoning Regulations. Any change in use to a permitted use requires a new site plan be approved that includes modifications to the previously approved site plan which will support the proposed use. Site plan modifications proposed for this use include additional pavement to accommodate internal truck turning movements along with the reconfiguration of parking and modification to stormwater drainage

The use of the Commercial Recreational Facility has expanded in terms of number of patrons and the modified site plan proposes an increase in onsite parking for the patrons. The amount of parking that was previously approved for the Commercial Recreational Facility through Special Permit PL-17-12 was the minimum required in accordance with the Zoning Regulations. As part of this site plan modification additional parking spaces are located on the plan in support of the expanded use for Buildings A & B. Based on the information provided, Staff recommends the Planning & Zoning Commission find that:

- a. The application as presented is for the change in use of Building F from Warehouse to Vehicle Repair Facility subject to approval of a Special Permit, pursuant to Section 12.2.12 of the Waterford Zoning Regulations.
- b. A modified Site Plan Approval is required for the change in use of Building G from a Warehouse to a Manufacturing Facility pursuant to Section 12.1.4 of the Waterford Zoning Regulations.
- c. Additional parking is proposed to support the increase in patron demand for the Commercial Recreational Facility located in Buildings A and B.
- d. This property was subject to a Site Plan and Special Permit PL-15-2 granted by the Waterford Planning and Zoning Commission on November 15, 2015.
- e. The application meets the criteria for site plan approval, pursuant to Section 22 of the Waterford Zoning Regulations, subject to conditions 1- 6.
- f. The application meets the criteria for issuance of a Special Permit, pursuant to Section 23 of the Waterford Zoning Regulations.

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

1. Detail required for the 2 proposed vegetated swales. This detail to be added to the plans and found acceptable to staff prior to filing the plans on the land records.
2. Construction and stabilization of the 2 rain gardens shall be documented prior to issuance of C of O for Building F or G.
3. Pollution prevention plan needs to include inspection and maintenance protocols and schedules for the infiltration galleries, dry wells, Oil/water separator and rain gardens.
4. Site stormwater treatment and post-construction discharge control relies on infiltration practices. The site lies within the Stony Brook watershed. Discharge of oils, chemicals, vehicle wash water, and other pollutants including nutrients and sediments should be restricted to prevent groundwater pollution and impacts to the receiving surface waters of Stony Brook. Outdoor storage of vehicles that are designated for repair and any outdoor servicing of vehicles shall not be permitted.
5. Erosion and sediment control narrative shall include a note requiring protection of all dry well, catch basin and infiltration gallery inlets during site construction until soils are stabilized with final treatment. This shall be noted prior to filing the plans on the land records.
6. The 2 catch basins in the public roadway are to be cleaned of accumulated sediments upon completion of construction and site paving.
7. Final as-built should include spot elevations of pavement sections to verify surface flows are directed to appropriate catchment/treatment components of the stormwater system.
8. A Certificate of Zoning Compliance shall not be issued until such time that the site improvements as shown on the site plan and all conditions listed have been complied with.

MOTION: Motion made by J. Bashaw, seconded by G. Massad, to approve with conditions the Special Permit/Site Plan Modification PL-20-18 located at 132 Cross Road & 70 Foster Road with conditions 1 through 8 and adopt the findings of a through f of the Staff report.

VOTE: 5-0

8. CORRESPONDENCE
No correspondence was received.

9. ADMINISTRATIVE REVIEW
There were no items for administrative review.

10. ADJOURNMENT

MOTION: Motion made by J. Bashaw, seconded by G. Massad, to adjourn the meeting at 8:20.

VOTE: 5-0

Respectfully Submitted,



Dawn Choisy
Recording Secretary