

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 6, 2009**

ROLL CALL:

Members Present: Eugene Sierakowski, Chairman
Joseph Diminico, Vice Chairman
Kevin Dougan, Secretary
Salvatore Mancini
Andy Kidd

Alternates: Eric Prause (sitting for T-486)

Absent: Matthew Galligan
Adam Goodkin

Also Present: Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

Time Convened: 7:50 P.M.

NEW BUSINESS:

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation
Amendments (T-486)

Mr. Prause sat for this item.

Mr. Diminico said he hopes the PZC will agree to table this item. He said it is a quasi-moratorium that is open ended. He is aware the issues will be revisited soon, but legally the amendment can stay indefinitely. Mr. Diminico doesn't think looking at the regulations on an ongoing basis is bad. It allows for discussion and also for commerce to go forward. He said it would be fair and simple to keep the regulations the way they are and address the regulations in concert with the moratorium.

Mr. Dougan said he supports tabling this item. There are a lot of implications and feels more research is needed.

Zoning Regulation Amendments (T-486)

MOTION: Mr. Diminico moved to table this application. Mr. Dougan seconded the motion and all members voted in favor. Mr. Prause sat in place of Mr. Mancini on this item.

WILLIAM POE, JR. – 156 Union Street – 2-lot residential subdivision – Subdivision (P-183)

Attorney Stephen Penny spoke on behalf of the applicant and explained his client received approval for a rear lot on January 5, 2009. His client is requesting subdivision approval for a two lot subdivision. If approved, his client will construct a detached single family home on the rear lot.

Mr. Ray Nelson, an engineer with Messier and Associates, explained the property is served by public utilities. The plan is to provide utilities to the rear lot through an access strip. A paved parking area will be constructed to the rear of the existing building and will contain two parking spaces per unit plus extra spaces for visitors. He said there is a line of evergreen trees behind the proposed house and some brush and a few mature trees to the north along Rossetto Drive. Additional screening will include a mixture of evergreen and arborvitae. There will be minimal site disturbance, he said. Mr. Nelson said there are a number of mature trees on the property and four street trees will be planted along the front of the property. Erosion and sedimentation control measures include a construction entrance, silt fence, and a designated stockpile area. Traffic will use existing driveway, which has good sight lines.

Ms. Bertotti stated that Town staff has reviewed this application and there are no outstanding staff comments.

Subdivision (P-183)

MOTION: Mr. Dougan moved to approve the subdivision. Mr. Diminico seconded the motion and all members voted in favor.

CARLOS BASTOS – 139 Amherst Drive – installation of 27' diameter above ground pool and deck extension – Inland Wetlands Permit/Determination of Significance (B-294)

Mr. Carlos Bastos explained he would like to install a 27' diameter above ground pool and deck extension. The wetlands are about 50' from his backyard, which puts the pool in the upland review area. The existing deck comes off of the main level of the house and the extension would be approximately six inches higher than the pool. Mr. Bastos said the pool will use a cartridge filter.

Mr. Sierakowski noted that the Meadowbrook Fields subdivision had no upland review area when it was approved, which was then set at 50' and changed to 100'. The wetlands were filled in when some houses were built. The actual field wetlands are the intermittent stream. Mr. Sierakowski asked what the distance is at the farthest point of the wetlands to the edge of the pool. The applicant responded 50'. Ms. Bertotti pointed out that Environmental Planner Matthew Bordeaux's memo confirms the 50' measurement.

In response to a question from Mr. Kidd, Ms. Bertotti said that Mr. Bordeaux said there will be no significant impact to the wetlands. Mr. Pellegrini added that Mr. Bordeaux's memo explains that the work involves stripping topsoil of existing lawn, not extensive excavation.

In response to a question from Mr. Kidd, Mr. Bastos said there are two other swimming pools in the neighborhood.

Mr. Diminico commented that a lot of confusion could have been avoided if the applicant did not use an old map. The applicant stated that the map he used is the latest certified map available. Mr. Diminico would like to know where the wetlands are today. He would like table action to see a clearer proposal.

Mr. Mancini said he objects to tabling. Mr. Bordeaux has not indicated any potential problems.

Mr. Kidd agreed with Mr. Diminico's desire to table. He does not think the use of an old map is a good practice.

Mr. Pellegrini said he will work with the applicant to come up with more detailed mapping. Typically these are minor applications so the Town staff tries to find an existing accurate map to minimize application costs.

Inland Wetlands Permit/Determination of Significance (B-294)

MOTION: Mr. Diminico moved to table this application. Mr. Kidd seconded the motion. Members Diminico, Kidd, Sierakowski, and Dougan voted in favor; Member Mancini voted against. The motion carried 4 to 1.

629, LLC – 629 Middle Turnpike East – construction of a 2,584 sq. ft. office building with related parking and improvements – Special Design Commercial Zone Site Plan (S-213)

Attorney Leonard Jacobs represented the applicant and explained the proposed building will house Dr. Poulin's medical practice. Attorney Jacobs discussed surrounding properties and zoning in the area. The applicant received approval in September for a zone change from Residential to Special Design Commercial.

Attorney Jacobs explained that the building will be 2,584 square feet on one floor, consistent with the neighborhood. It will meet all zoning requirements, except for one required waiver. His applicant will require a waiver to the 50' setback requirement. The proposed building is set back 28.48' from the property line. The business next door is set back 28' from the property line. Because the right of way is 30' wider than normal at this location, a lot of the grassed area is not the applicant's property. Visually, the building will look as if it is set back 43'. Attorney Jacobs said it makes sense to design the building to be more consistent with the neighboring office building rather than the residential uses.

Mr. Jim Dutton, Dutton Associates, said that the property is .44 acres and 19,305 square feet. The building itself will be 2,584 square feet. There will be 16 parking spaces to the north of the building. The refuse area is proposed for the far northwest corner of the property and will be housed on a concrete pad within a six-foot vinyl fence. A storm sewer system will collect runoff in a hydrodynamic separator that will drain to the south and connect to the existing storm drain. The property is serviced by public sewer and water. Mr. Dutton stated that this use is a minor traffic generator and the sight line is more than adequate. The applicant has received three memoranda from Town staff and all but two comments have been incorporated into the plan.

Mr. Dutton said the applicant is proposing fencing along the east and north property lines to provide buffering and screening. The parking area is lower than the abutting property so there will be no intrusion of headlights. He said a small retaining wall is proposed, approximately four feet in height, to the north.

Mr. David Cox, Cox Architects, studied the architectural use of the Manchester Green area and found many architectural types, all at a residential scale. The proposed building will be a mix of Craftsman shingle style detailed with a heavy stone base, clapboard and shingle siding, and a pronounced overhang with decorative columns. Mr. Cox displayed building elevations for Commission members. Building materials will be brown stone base, painted fiber cement clapboards, metal clad windows, fiberglass and asphalt singles. The earth tone color palette was displayed for Commission members.

Ms. Deborah Kent, Stephanie Fuss & Associates, described the landscaping. She described the six-foot vinyl fence enclosing the rear and running down the existing eastern property line. Nine trees will be planted at street level, on the eastern side four red maples will be planted along with a line of evergreen hollies and a mixture of deciduous shrubs. She described grasses along the driveway edge with spring bulbs and a mosaic of perennials in the back.

In response to a question from Mr. Sierakowski, Mr. Pellegrini said that the fence will be six feet high solid white vinyl with lattice work on top. Ms. Bertotti noted two minor outstanding technical comments.

Special Design Commercial Zone Site Plan (S-213)

MOTION: Mr. Diminico moved to approve with modifications outlined in staff memoranda from Nick Francione to Renata Bertotti, dated April 3, 2009, and from Bernard Kalansuriya to Renata Bertotti, dated April 6, 2009, and including a waiver to the minimum front yard requirement to 28.33 feet. Mr. Dougan seconded the motion and all members voted in favor.

The Planning and Zoning Commission took a brief recess at 9:20 p.m. and returned at 9:28 p.m.

BIRCH MOUNTAIN ESTATES VIII – 190V Coop Sawmill Road – Request for extension and consideration of petition for public hearing – Inland Wetlands Permit (S-201); Subdivision (S-165); Erosion Control Plan (S-166)

Ms. Bertotti explained that the Town of Manchester received a petition signed by 18 people, as well as several telephone calls, expressing interest in a public hearing on this application. Mr. Sierakowski explained that a public hearing is not required in this instance: it is up to the discretion of the Planning and Zoning Commission whether to hold one.

In response to a question from Mr. Diminico, Ms. Bertotti stated the addresses of people who signed the petition are on High Ledge Circle and Dennison Ridge. At Mr. Diminico's request, she read the preface to the petition into the record.

In response to a question from Mr. Diminico, Mr. Pellegrini said there have been cease and desist orders to correct erosion and sedimentation problems. The most recent complaints were about noise ordinance violations due to trucks, blasting and crushing. The violations have been corrected.

Mr. Diminico said he is concerned with the timeframe and asked when the petition was dated and when this application was received. Ms. Bertotti responded that the petition was received March 10 and the application was received February 23.

In response to Mr. Diminico, Mr. Pellegrini said that the Town's utility engineer had been working with neighbors trying to resolve complaints, and informed them of this application.

Mr. Kidd said he had concerns regarding being forced at the eleventh hour to make a decision to entertain a public hearing and requested that Mr. Pellegrini go through the timeline. Mr. Pellegrini explained that the applicant's 65-day request for extension expires on May 5. The subdivision approval expires on May 14. If the PZC desired to hold a public hearing, it would be scheduled for the April 20 meeting. Attorney Peter Alter, representing the applicant, stated that if a public hearing were scheduled, it would be helpful to know some of the questions that the PZC may have.

In response to a question from Mr. Mancini, Mr. Pellegrini explained that the original subdivision was approved in 2001, but the owner lost control of the property and the current owner purchased the property. In 2005 the applicant asked for a three year extension. The work was begun but not completed, in part because the applicant lost a couple years where no action was taken.

Mr. Dougan said that the public put enough effort into drafting a petition and acquiring signatures and he felt the PZC should hold a public hearing.

Request for extension and consideration of petition for public hearing: Inland Wetlands Permit (S-201); Subdivision (S-165); Erosion Control Plan (S-166)

MOTION: Mr. Diminico moved to approve the request for a public hearing to be held on April 20, 2009. Mr. Kidd seconded the motion and all members voted in favor.

In response to Mr. Alter's request for some Commission feedback he was allowed to explain the current status of the subdivision. Attorney Alter said ledge had to be blasted away, and it runs through the entire subdivision. This has produced a significant amount of rock that is still piled high while the contractor crushes and disposes of it. The contractor said he needed until the end of October to get the rock out. He said the owner prefers not to put the final course of pavement on the street until the rock has been removed. Mr. Alter said all physical work should be completed by October 1, 2009 except the final course of bituminous. In December of last year, Town staff issued a letter to the developer estimating the cost of public improvements at \$1,252,000. Currently, \$778,000 worth of that work has been completed.

Attorney Alter said his client is more than two-thirds of the way through the development process and knows it needs to be finished. This is a far more serious and significant undertaking than his client realized; but the blasting is substantially done. There is a portable crusher at the site that is relatively quiet; it is the pneumatic hammer that causes the most noise. Attorney Alter said his client is trying to cooperate.

In response to some questions from Mr. Diminico, Attorney Alter said his client acquired the property about five years ago. His client does not disagree that most of the work can be completed by October 1, 2009.

Mr. Sierakowski said it would be helpful if the applicant commented on financial resources during the course of the public hearing as that would provide a confidence factor. In response to a question from Mr. Mancini, Attorney Alter said there are 21 lots that will contain single family contract homes.

APPROVAL OF MINUTES:

February 18, 2009 – Public Hearing/Business Meeting

MOTION: Mr. Dougan moved to approve the minutes as written. Mr. Kidd seconded the motion and all members voted in favor.

February 26, 2009 – Moratorium Workshop; March 16, 2009 – Moratorium Workshop

MOTION: Mr. Kidd moved to table action on the minutes. Mr. Dougan seconded the motion and all members voted in favor.

The chairman closed the business meeting at 10:50 p.m.

I certify these minutes were adopted on the following date:

July 20, 2009
Date

Eugene Sierakowski, Chairman

NOTICE: THE CASSETTE TAPE RECORDING OF THE BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1029, 1030, 1031