

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
DECEMBER 16, 2009**

**ROLL CALL:**

Members Present: Eugene Sierakowski, Chairman  
Joseph Diminico, Vice Chairman  
Kevin Dougan, Secretary  
Eric Prause

Alternates: Horace Brown (sitting)

Absent: Andy Kidd  
Anthony Petrone

Also Present: Mark Pellegrini, Director of Neighborhood  
Services and Economic Development  
Matthew Bordeaux, Environmental  
Planner/Wetlands Agent  
Ginger MacHattie, Recording Secretary

Time Convened: 7:03 P.M.

**NEW BUSINESS:**

OUTBACK STEAKHOUSE – 170 Hale Road – façade color change – CUD Zone Final Plan Modification (O-53)

Mr. Pellegrini referred to a memorandum to the Commission members from Ms. Renata Bertotti that included a photo of the existing building as well as an artist's rendering of the proposed colors: Outback yellow with red and ivory trim. There are no outstanding staff comments.

In response to a question from Mr. Diminico, Mr. Matthew Sousa, representing Outback Steakhouse, said the company is changing its exterior colors and it is not a drastic change. Mr. Diminico commented that the Commission has had problems with color schemes in the past and wished that the applicant had a color sample to show to Commission members. Mr. Prause agreed with Mr. Diminico, especially when the color involved is yellow, as it may be louder than shown in a picture.

Mr. Brown agreed with his fellow Commission members and asked the applicant if the painting will be done in the spring. Mr. Sousa answered in the affirmative.

Mr. Sierakowski said there seems to be a consensus among Commission members that they would like to see color samples.

CUD Zone Final Plan Modification (O-53)

MOTION: Mr. Dougan moved to table this application. Mr. Diminico seconded the motion and all members voted in favor.

EMMES REALY MANAGEMENT LLC – 1127 Tolland Turnpike – Increase height of parapets on two corners of the building for the purpose of adding identification signs – Special Exception Modification (E-50)

Mr. Robert Kuszpa, Laurentano Sign Group, and Ms. Seble Tareke-Williams of Emmes Realty Management, the manages of the Plaza at Burr Corners, said the visibility of the plaza from the interstate and local roads is a challenge in their leasing efforts. The applicant would like to build architecturally appropriate additions to add height to the building so they are visible from I-84 and Tolland Turnpike.

Mr. Pellegrini explained that the western corner of the building near the Buckland off-ramp is currently 19' and the applicant would like to add 16' to the corner. The Zoning Enforcement Officer commented that there has been some clearing of trees along the road, making the building more visible. An addition at the height proposed on that corner may look out of scale. Staff had no adverse comments on the Buckland end of the building.

Ms. Tareke-Williams said she worked with the State to clear the trees, and after that was done, they tested the heights of 35' and 30' and found that the 30' height wasn't completely visible from the off-ramp and highway. She thinks the 35' would be the best height.

Mr. Brown expressed concerns about the style of the roof on the proposed corner tower addition and said the style should repeat the existing roof styles throughout the plaza.

Mr. Kuszpa said he would not mind adding to the height of the roof to achieve a greater pitch, but that would add another foot to the height of the addition. Mr. Prause said the existing elevation is visible from the highway and doesn't think it needs to go as high as is being requested. Mr. Kuszpa reminded the Commission that the pictures were taken in the winter when the trees were bare. In response to a series of questions from Mr. Prause, Mr. Kuszpa said the sign would be aluminum lettering, internally illuminated at night.

In response to a question from Mr. Diminico, Ms. Tareke-Williams said Emmes did not have a landscaping maintenance plan established with the State, but worked with them this year to repair fencing and clear trees.

Mr. Pellegrini said the Commission should consider the overall aesthetics and scale of the signage on the building as well as the architectural additions to the building. He commented that when looking at photos a person looks at a static image, but the view will change when a person is moving in a vehicle. The main concern is determining the appropriate height for the west tower.

In response to a question from Mr. Sierakowski, Mr. Pellegrini said staff is not as concerned about the eastern addition. There are a lot of architectural elements in that area and the color will match the existing building. The letters and logo will only be lit at night. Staff felt that 40' was too high on the west tower.

Mr. Brown said, with respect to the roof design, something between the 1' height that is proposed and the steeper drawing may be appropriate.

Mr. Prause said he was concerned about the west elevation and thinks it will be obtrusive and out of scale. He thinks the east elevation will blend into the site better. He said that when we see what it actually looks like, he thinks it will be bigger than what we are envisioning now.

Mr. Dougan commented that this isn't a fast food establishment or a gas station and wondered how important a sign on the highway is for a furniture store. Ms. Tareke-Williams said Pilgrim Furniture is taking 77,000 square feet, which is one quarter of the property. The other tenants depend on the anchor tenant to drive traffic to their businesses. A sign may bring customers who normally wouldn't shop there. She has visited other properties in Connecticut and Pilgrim has great signage from the highways. Tenants are very particular on their signage and it does make a difference, she said.

Mr. Diminico said he is interested to hear what other Commission members think about the scale of the sign relative to the building. He doesn't think the sign will be obtrusive; this is a commercial area. He is more concerned about how it will relate to the scale of the building and the complex.

In response to a question from Mr. Brown, Mr. Pellegrini said the secondary tenant on the sign will not need to come back to the Commission for approval as long as their sign meets the zoning regulations' dimensional requirements.

#### Special Exception Modification (E-50)

MOTION: Mr. Brown moved to approve the special exception modification with the modifications that 1) the pitch of the roofs on the two proposed towers be increased to an average height not to exceed 37.5 feet from the ground; 2) the colors on the exterior of the towers and the roof material be the same as the colors and materials or on the buildings in the center; and 3) the eastern tower shall be a height of 32 feet and the western tower the height of 35 feet, not including the increased height of the roof as required in modification 1) above.

MOTION: Mr. Prause moved to amend the motion to require a 30-foot height for the towers. There was no second and the motion failed.

Mr. Diminico seconded the first motion and members Sierakowski, Diminico, Dougan, and Brown voted in favor. Member Prause voted against and the motion passed 4 to 1.

#### FAIRWAY CROSSING LLC – 104 & 104A Glode Lane and 1769 Tolland Turnpike – construction of 46 residential units, site utilities, associated roadways, grading and landscaping – Inland Wetlands Permit – Determination of Significance (F-149)

Attorney Chris Stone explained that when the applicant field delineated the wetlands the resulting wetlands area encompassed more of the property on the southern portion of the Manchester side. Therefore, part of the building lots are in this area within the 100' buffer zone, and the lots to the west, along the East Hartford line are also partially in the buffer zone. The two roadways, Ice Pond Road, and Glode Lane, would need to be widened and would be within the wetlands buffer zone. Attorney Stone agrees with Mr. Bordeaux's comments and assessment.

Everett Milam, Project Engineer, explained that Fairway Crossing is an 87 unit, over 55 community and oriented Commission members on the map. There are 49.5 acres on the East Hartford side and 28 acres on the Manchester side. There will be 46 units in Manchester and 41 units in East Hartford. Access will be from Ice Pond Road and Gear Drive (off of Commerce). Improvements will be made to Glode Lane to provide for emergency access. The Glode Lane entrance will be gated and only the Association and the Town will have keys. The houses

located in East Hartford are along the golf course. There is a trail system made of a 5' wide bituminous path throughout the site and a common pavilion. The site drains from the north to the west; Ice Pond is dry most of the time. There is a culvert under the road for runoff, which flows under the railroad tracks and continues west. There is public water and a sewer connection will be made from a stub in Gear Drive for the entire Manchester portion of the subdivision. The gravity sewer will extend under the road and discharge on the East Hartford side. The request for MDC to handle outflow has been made. A new storm sewer system will serve the road and grassed areas.

Mr. Milam said there will be six different types of units, from 1,503 square feet to 2,145 square feet. Most will be larger units, all units are on a single floor and equipped with two-car garages. The majority of units will have a basement. Those units along the southern wetland area will not have basements to avoid any disturbance to the wetlands and minimize the disturbance to the wetland review area.

Mr. Milam said the original plan was based on the Town's delineation of wetlands. After having the wetlands flagged, it was discovered that they actually extend 120' to 140' further. Based on this information, the applicant has revised its layout. There will be clearing of trees, however there is an extensive landscape plan. Trees will be planted along the trail and there will be landscaping in front of every house and along the property line.

Mr. Milam said there are four different areas within the wetlands buffer zone. The first is Ice Pond Road, which is 20' to 22' wide. The Town requires that this road be widened, which will take place on the north side and be widened between 0' to 4', depending on its current configuration. Underground electric and gas services will be placed during widening. Glode Lane will need to be widened to 12' and an area in the buffer zone will be affected by this widening.

Mr. Milam said the wetlands will be protected with silt fence and hay bales, which will be maintained throughout the project. In this area, the work is minor. Grass will be established in the disturbed area when the work is complete. There are nine units proposed within the wetland buffer; four units in the buffer of wetlands in East Hartford and five units in the buffer wetlands in Manchester. The houses on the East Hartford side have been approved. A trail network approved in East Hartford provides a buffer between the houses in Manchester in the buffer of wetlands in East Hartford. The applicant has made modifications based on the Town's comments and concerns. To reduce disturbance in the south wetlands buffer area, Mr. Milam said the applicant eliminated two residential units and relocated the roadway, removed the trail system, regraded the site and relocated units to limit fill, removed basements, relocated the water quality basin, and added extensive plantings to the water quality basin. Water will flow into the basin with a plunge pool at the inlet of the pipe, and discharge onto a level spreader and 20' of rip rap, which will allow the water to flow into the wetlands at a much slower rate. The property will be managed by the Association, which will prohibit dumping of leaves and brush in the wetlands. Markers will be placed to delineate 25' from the wetlands. When the Commission looks at the project as a whole, the amount of disturbance to the buffer is minimal.

In response to a series of questions from Mr. Diminico, Mr. Milam said approximately 10,000 square feet of wetlands has been created in East Hartford, replacing what was removed. Mr. Milam said he is aware of the memorandum from the Conservation Commission and the project includes a gross particle separator.

In response to a question from Mr. Diminico, Attorney Stone expects the wetlands to be managed with signage and with the by-laws of the Association.

In response to a question from Mr. Sierakowski, Mr. Pellegrini explained that the applicants have to abide by the current regulations. When the applicant originally applied, the upland review was 50', now it is 100'. The buffer is not a "no build" area, rather an additional area the Commission can regulate to avoid negative long term effects on the wetlands.

In response to a comment from Mr. Sierakowski, Attorney Stone said the applicant would consider developing a conservation easement.

Mr. Prause said he thinks the greater factor is the reflagging of the wetlands. The Conservation Commission had a concern about the intent of the open space. How it might not match the intent. He asked if that was because of the new delineation. Mr. Milam said the applicant is well over the open space requirements.

Mr. Brown thought that with an Association, there might be better protection of the upland review and wetlands areas. It could also permit things we might not expect. The protection of an Association is not the same as a conservation easement.

Inland Wetlands Permit – Determination of Significance (F-149)

MOTION: Mr. Diminico moved that the proposed activities would not create a significant impact on the wetlands and will not require a public hearing. Mr. Prause seconded the motion and all members voted in favor.

The Planning and Zoning Commission took a brief recess at 9:00 p.m. and returned at 9:07 p.m.

JPG PARTNERS – 95-99 Union Street – to build two houses and grade property within the upland review area – Inland Wetlands Permit – Determination of Significance (J-57)

Mr. Patrick Snow, JPG Partners, explained there are two lots on the corner of Union Street and Kerry Street near Union Pond where he would like to build two homes. One home will have no construction impact within the upland review area. The second home will have some impact. Knowing this is a sensitive area by a pond, he will use silt soxx during construction, which will biodegrade in two to four years. He is not opposed to vegetation at the back of the property.

Mr. Sierakowski commented that the main issue is the second house. Eight percent of its square footage is in the upland review area. He asked the distance from the back of the house to the wetlands and the applicant answered 60'. Mr. Sierakowski suggested a conservation easement.

Mr. Snow said he is not opposed to a conservation easement but would like to define it. He suggested an easier way may be through a covenant restriction.

Mr. Bordeaux explained that the existing house is to the south and west of the flood control dyke. There is an existing single family home with lawn beyond the overgrowth and vegetation. No structures are permitted in the flood plain area.

Mr. Pellegrini further explained that the house currently on this lot is an old, deteriorating house with a swimming pool. Everything is mowed up to the flood control wall. The wetlands being discussed is Union Pond. It is important to protect the area from the flood control wall to the pond; there should be no activity in this area. This is a longstanding residential lot.

Inland Wetlands Permit – Determination of Significance (J-57)

MOTION: Mr. Dougan moved that the proposed activities would not create a significant impact on the wetlands and will not require a public hearing. Mr. Prause seconded the motion and all members voted in favor.

770 LLC – 190 Coop Sawmill Road – Erosion Control Plan (S-217) – Request for Extension

MOTION: Mr. Brown moved to grant an extension to January 20, 2010 for this application. Mr. Prause seconded the motion and all members voted in favor.

**APPROVAL OF MINUTES:**

October 5, 2009 – Business Meeting

October 20, 2009 – Public Hearing/Business Meeting

MOTION: Mr. Prause moved to approve the minutes as written. Mr. Diminico seconded the motion and all members voted in favor. Mr. Brown abstained.

**ADOPTION OF 2010 MEETING SCHEDULE**

MOTION: Mr. Dougan moved to adopt the 2010 Meeting Schedule. Mr. Diminico seconded the motion and all members voted in favor.

**APPOINTMENT TO CRCOG**

It was the consensus of the Commission that it would wait until more members are present to make this appointment.

**RECEIPT OF NEW APPLICATIONS:**

**JPG PARTNERS** – 95-99 Union Street – Inland Wetlands Permit (J-57) – to build a home and grade property within the upland review area.

**OUTBACK STEAKHOUSE** – 170 Hale Road – CUD Zone Final Plan Modification (O-53) – facade color change.

**UNITARIAN UNIVERSALIST SOCIETY** – 153 Vernon Street West – Special Exception Modification (U-50) – installation of storm drainage to Town drainage system.

**TIMOTHY KENNEDY** – 500 Dennison Ridge Drive – Inland Wetlands Permit (K-67) – construct a retaining wall and encapsulate propane tank.

The chairman closed the business meeting at 9:32 p.m.

I certify these minutes were adopted on the following date:

March 15, 2010  
Date

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Eugene Sierakowski, Chairman

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

OFFICIAL TAPE NO. 1061 and 1062