

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
FEBRUARY 18, 2009**

ROLL CALL:

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

Alternates: Eric Prause
Matthew Galligan
Adam Gootkin (sitting)

Absent: Salvatore Mancini

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

The Chairman opened the Public Hearing at 7:02 p.m. The Secretary read the legal notice for the application when the call was made.

EVERGREEN CROSSING, LLC – 325 New State Road – PRD Zone Change and Preliminary Plan of Development (E-46) – request for zone change and preliminary plan approval for 182 unit multi-family residential community with amenities

Mr. Alan Lamson, FLB Architecture, explained that the applicant was requesting a zoning change from Industrial to PRD and approval of a preliminary plan of development for the property located at 325 New State Road.

Attorney John Mallin, McCarter and English, said he previously submitted a letter to the Commission addressing the Plan of Conservation and Development. He said the application presented is consistent with the Plan of Conservation and Development as amended in March of 2008. He said the Plan is intended as a guide, not a limitation; a planning tool, not a requirement. Attorney Mallin stated his position that the Plan of Conservation and Development allows the zone change that was being sought.

Mr. Lamson described the location of the applicant's property and the surrounding properties. There are a variety of uses in the area, including residential, commercial, public recreation, and storage, he said. There are also large areas of open space, some vacant properties and highways surrounding the property. The property at 325 New State Road consists of 29.9 acres, with 427 feet of frontage on New State Road. It is currently used for agricultural purposes and is otherwise vacant with the exception of two barns. There is a wooded area to the south and additional access to the property from the north.

Mr. Lamson said the land is relatively flat, with a gentle slope from north to south. At the south end of the property there are smaller depressed areas likely created by the removal of gravel. These areas now qualify as wetlands, he said. Other wetlands exist in the northwest and

northeast corners of the property. Both wetland areas, totaling 2.54 acres, will be avoided when developing the property, Mr. Lamson said.

Mr. Lamson explained the property is currently zoned for industrial use and the applicant is requesting a change to PRD. The Town's Plan of Conservation and Development emphasizes the importance of protecting the public water supply wells. Mr. Lamson read a report from the Department of Public Health indicating the potential impacts on public drinking water are much less from residential use than industrial use. A trail system exists in the area and there is town-owned property to the south of the site. The applicant is willing to provide a conservation easement to help extend the trail system. He showed a shaded area on the map where the approximate conservation easement will be proposed.

The Town Plan recommends medium to high density in areas with public water and sewer. Ten units per acre is considered high, six units per acre is considered medium. The applicant proposes 6.6 units per net acre or 6.1 units per gross acre.

As previously mentioned, New State Road is an important source of ground water for Manchester's residents, he said. This puts severe limitations on industrial use of this property. In addition, there is a considerable amount of industrial land elsewhere in Manchester. Mr. Lamson wondered why a business would choose to locate in an area where it would need to be monitored closely. If any contamination occurred, the businesses in the area would be under pressure to prove they were not the source.

Mr. Lamson pointed out that the CT Transit system has a bus route that connects this location to employment centers and passes this site every hour. This would be a highly desirable site for people who wish to use public transportation.

Mr. Lamson believes this application represents the best and most appropriate use for the land. The proposed rezoning is consistent with the mixed-use nature of the neighborhood. It will create symmetry with the surrounding community and increase the value of surrounding properties. The approval of this application will have no negative impact on the traffic in the area. The property is adequately serviced by sewer and water service, he said. Mr. Lamson read letters from Spazzarini Construction, Manchester Chamber of Commerce, and Raymond Damatto in support of this project into the record.

Mr. Lamson said the changes to this preliminary plan of development from the one previously denied for this property include a reduction of units from 266 to 182 and a reduction in density from 9.7 units per acre to 6.6 units per acre. The units will be condominiums rather than rental properties and the applicant is comfortable with a stipulation stating this. Buildings are no longer proposed in the inland wetland upland review area, parking includes garages in addition to surface and carport parking and no waiver of parking for guest spaces is being requested.

Mr. Lamson said the main access to the site will be from New State Road at the south end of the property. The applicant is providing 176,000 square feet of open space, landscape buffering, carports and garages, and unit storage. There will be thirteen residential buildings on site and one clubhouse, with a maximum of fourteen units per building. One-bedroom units will comprise 28% of the development and will be between 822 and 1,025 sq. ft. each. Two-bedroom units will comprise 58% of the development and be between 985 and 1,418 sq. ft. each. Three-bedroom units will comprise the remaining 14% of the development and will be between 1,447 and 1,496 sq. ft. each. All units exceed the minimum requirements and the total gross livable

area is 207,000 square feet. The development will have 65 to 70 carports and garages, a clubhouse, community facilities, and open space. Phase I will include the first five buildings with a total of 70 units and central common facilities. Further phasing will be scaled to the absorption of the new units.

Mr. Dan Delaney, an engineer with Fuss & O'Neill, stated the property consists of 29.9 acres with 427 feet of frontage along New State Road. Elevations slope from north to south and range from 100 feet to 82 feet. The applicant has redesigned the project to account for comments made last time this project was before the Planning and Zoning Commission. There has been an elimination of wetlands impact, a decrease in the number of units and a scaling back of the plan, he said.

Mr. Delaney said there are four wetland areas on the property, totaling 2.54 acres. The largest is in the southwest corner of the property at the edge of a larger wetland system. The major function of this wetland is to provide for groundwater recharge. Two others are isolated pockets in the northwest and northeast corners and these do not provide significant function or value, he said. The plan no longer calls for filling any wetland or upland review areas with two exceptions for roadway segments.

Mr. Delaney said all utilities are available on New State Road, with the exception of sanitary sewers. The applicant has proposed access to sanitary sewer on Adams Street. A pump station will be installed at the northern end of the site. Mr. Delaney said considerable thought has been put into the stormwater management plan. Clean stormwater will be infiltrated for groundwater recharge. Landscaping includes a buffer around the perimeter of the property with large amounts of open space. Shade trees including maple and ash will be planted with more flowering trees along the courtyards and walkways. There will be a large undisturbed area north of the access drive. Erosion control measures include silt fence, swales, anti-tracking apron, temporary sand traps, and basins.

In response to a question from Mr. Diminico, Mr. Delaney explained that maintenance of a water discharge system includes cleaning out the storm water chambers by vacuum truck. This would be part of a stormwater management plan.

In response to a question from Mr. Diminico, Mr. Lamson stated that the owner of the property agreed to provide a conservation easement near the wetlands to ensure no future encroachments. Mr. Lamson said the map shows the general area to indicate the conservation area.

Mr. Rob Sonickson, an engineer with Waldo and Associates, served as a peer reviewer on this project. He stated this is a well-designed residential development and has less potential to impact surface water and groundwater than commercial and industrial uses. He said site maintenance would be provided by professionals hired by the association. He said pesticides and herbicides will only be applied by licensed professionals. There are a number of types of controls available with residential properties that are not available with industrial or commercial properties, Mr. Sonickson said. The most critical aspect of maintenance is inspections, which should occur periodically. Mr. Sonickson said he was pleased with the site design. The wetlands areas are protected and there is a generous open upland area. Activities that would typically take place in the wetland area of a development like this would have no potential impact on the aquifer, he said.

In response to a question from Mr. Diminico, Mr. Sonickson explained that the site is fairly flat

with no steep grades so there will be limited need for the use of road salt during the winter. Parking lots and roadways should be sanded. Ice melt could be restricted to pedestrian areas in a limited way. Mr. Sonickson explained that most complexes do a regular sweeping of road sand in order to keep up with maintenance, rather than the two times per year as was done in the past. The types of herbicides, pesticides, and fertilizers to be used in the area can be prescribed in an integrated pest management plan.

In response to questions from Mr. Kidd, Mr. Sonickson stated his opinion that the current agriculture use of the land is potentially less protective of the underlying aquifer than the proposed residential use. Certain chemicals that may harm the aquifer are often used in agriculture. The biggest issue generally is the identification of the source of the contaminant. He explained there is never a completely fail safe scenario for any use around an aquifer, but because of the nature of the applicant's use the likelihood of contamination is greatly diminished.

In response to a question from Mr. Sierakowski, Mr. Sonickson said the Town could exercise constraints on industrial uses and limit businesses that could locate here, but that is difficult because it involves policing. If it could be completely controlled, the risk would be relatively low.

Mr. John Hankens, an environmental engineer with Fuss & O'Neill, noted that the property is currently being used for agricultural purposes. He explained that many of the agricultural properties in the area have been used for growing tobacco and that the tobacco industry uses pesticides. He tested the property to be sure there is no risk to future residents of the property. Mr. Hankens explained that he took 20 samples and analyzed each for typical tobacco pesticides. He did find several pesticides, at concentrations below the criteria for residential direct exposure. He concluded that pesticides had been applied in a responsible manner and all soils meet the residential direct exposure criteria.

Mr. Steve Mitchell, traffic engineer with F. A. Hesketh, completed traffic counts at peak hour traffic and compiled data regarding the roads surrounding the site. Using the most conservative variations, he said service levels of the area intersections would remain unchanged from the added traffic resulting from this development. The conclusion is that traffic volumes generated by this project will not impact traffic. The morning peak traffic count was 137 vehicles and the evening peak traffic count was 184 vehicles. These are not exceedingly high volumes, he said. The applicant is proposing to widen New State Road to provide for a left turn lane to enter the site. One utility pole would need to be shifted a few feet to accomplish this. The site does have bus service and traffic counts given assume every resident will be driving.

Mr. Mitchell explained that he did a comparison in traffic generation of residential vs. industrial uses in this location. The residential use created half the amount of traffic of industrial use, which would generate a morning peak of 300 and an evening peak of 325 vehicles.

Mr. Mitchell addressed a comment made by the Town's chief sanitarian about a rail line to the north of the site and hazardous cargo. At the closest point, the rail line is 700 feet away from this development. The train passes two times per day and no hazardous cargo is presently transported. The primary customer is a lumberyard. While there is always potential for hazardous cargo, it is a low speed line, Mr. Mitchell said.

Mr. Steve Goodman of Evergreen LLC explained the design concept as a variation of the big house design, which creates the feeling of individual homes within a garden style development.

There are no common areas within the buildings, which provides for efficient design and the ability to deliver more square feet for the dollar. The project is estimated to cost \$25 million to develop. If all 182 units were occupied, that would translate to a development with a combined income of \$20 million to spend in Manchester in addition to the real estate tax base. The impact of school children will be minimal as the typical owner is a young couple or older couple. The initial common area will include a clubhouse, meeting space, gym, a pool and a network of pedestrian walkways.

In response to a question from Mr. Diminico, Mr. Goodman explained that this is an efficient design with no wasted space. The cost per square foot is 10% less than with a traditional center corridor floor plan.

Mr. Sierakowski wondered if the developer had done a market analysis. Given that this location is unique, located between industrial land and I-84. Mr. Goodman responded that any development in this economic environment is challenging, but this concept is well fitted to Manchester. The location is very convenient and a buyer will be able to purchase modern housing at a reasonable price.

In response to a question from Mr. Kidd, Mr. Goodman explained that garages were added to provide additional storage to people who purchase one. This design has been tested and has been successful.

Mr. Lamson noted that the new economic stimulus package provides incentives to buyers with the income levels that this development is priced for. The first building will take nine to twelve months to complete and full build out will be completed in 36 months or more. The construction will employ between 50 to 200 people. Architectural materials consist of shake siding, clapboard, composite shingles, corner trim, some shutters, some columns, balconies, bay windows, and fiber cement siding. Mr. Lamson referred to two staff memoranda. The Town engineering department requires 420 continuous feet of sidewalk including across the driveway and the applicant will make that change. In his memo, Michael Raymond questioned how the noise levels from adjoining operations might affect the residents. The applicant had noise levels studied and said they comply with HUD guidelines of no more than 65 decibels. The applicant can provide an increase in sound reduction with design as well.

Mr. Phil Forsley, Fuss & O'Neill, addressed item 2 of Mr. Raymond's memorandum, which was the question of emissions from adjacent uses. He explained that air emissions are regulated by the State of Connecticut. No nuisance dust can leave the property and the CT DEP has enforcement mechanisms in place. Diesel is regulated by the US EPA. Idling of diesel trucks is limited by State regulations, which are really stringent and designed to be protective of school children.

The Planning and Zoning Commission took a brief recess at 9:35 p.m. and returned at 9:43 p.m.

Ms. Bertotti stated that the applicant addressed staff comments in its testimony. Chairman Sierakowski asked for anyone wishing to speak in favor or in opposition of the application to come forward.

Mr. Jeffrey Heidtman of 303 Timrod Trail and CEO of Fuss & O'Neill, spoke as a resident and business person of Manchester. This project is a real opportunity to put money into this community. Mr. Heidtman had the opportunity to work on Mr. Damato's project on New State

Road in the late 1970s. The question at that time was whether or not to put residential homes that close to the well. After ranking the development types close to the water, the least risk was found to be a well-managed multi-family use. He said there is a living laboratory available that has been in existence close to the well fields for the last 30 years. The water levels have not changed.

Mr. Bill Carlson of 326 Parker Street, spoke about the process involved in the approval of the dye house property. He admonished the Commission members to come to the meetings prepared to take care of business. Projects need to get approved so people can get working.

Ms. Bertotti stated she received three letters in opposition from the following: The Conservation Commission, Ed and Mary Mason, and Bonnie Potocki.

Mr. Prause pointed out that this has been a vacant industrial lot for 64 years and is now used for agriculture. It sits in an area that will be affected by the aquifer regulations. Mr. Prause has both rented and owned in Manchester. He originally chose Manchester because it had the best housing options around. It is important to have new housing stock available. In these economic times, the Commission cannot turn down a proposal like this that would help stimulate Manchester's economy. Mr. Prause said that although there is a traffic problem in the area, this development would not significantly impact it.

Mr. Lamson addressed some of the comments made in the letters of opposition mentioned by Ms. Bertotti.

Mr. Gootkin said he supports this project as it is exactly what is needed to attract people to Manchester. The applicant did a copious amount of research. This application is everything Manchester is looking for.

The chairman closed the Public Hearing portion of the meeting at 10:05 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1017, 1018, 1019