

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JANUARY 21, 2009**

**ROLL CALL:**

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

Alternates: Eric Prause  
Matthew Galligan  
Adam Gootkin

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.

SIDEWALK AND CURB PLAN 2009-2014 – proposed amendments to the Town Sidewalk and Curb Plan

Mark Pellegrini explained that Manchester’s sidewalk plan needs to be adopted, with changes or amendments when appropriate, once every five years. The sidewalk plan includes a map that shows existing locations of sidewalks on public streets, locations of proposed sidewalk extensions, existing sidewalks, and proposals for where sidewalks might be removed. It also identifies streets where a bituminous trail, or bike lane, would be permitted in lieu of a sidewalk. The sidewalk and curb ordinance requires a sidewalk plan include examples of good cause reasons for allowing a payment-in-lieu-of installation of curbs and/or sidewalks in association with a development application. When the Director of Public Works or the Planning and Zoning Commission find there is a good reason that curbs or sidewalks should not be installed in a specific location, a one time payment in lieu of sidewalk or curb installation is Required. A fee is put into a dedicated account.

Town staff, including staff from the Planning Department, Public Works Department, Engineering Department, Manchester Police Department, and Manchester Board of Education, reviewed the sidewalk plan, including projects completed since the 2004, any recommendations for extensions of sidewalks not already on the plan, and the text of the plan itself.

Mr. Diminico asked if the monies being placed into the dedicated fund have to be used at any particular location. Mr. Carlino responded in the negative and said once paid, the property can never be charged again, and the town will install sidewalk and/or curbing at no additional cost at a later time.

Ms. Bertotti reviewed the recommended changes to the sidewalk plan, which were minor and intended for clarification purposes. There were no significant policy changes recommended by Town staff.

Chairman Sierakowski asked for anyone wishing to speak in favor or in opposition of the application to come forward. There being no public comment, the Chairman closed the public hearing on this item.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Subdivision Regulation amendment: Section 4.07 (T-484)

Ms. Bertotti gave a PowerPoint presentation, entitled “Open Space: Subdivision Regulation Amendments to Section 4.07.” She said that under current Subdivision Regulations the PZC may require up to 6 % of a subdivision to be dedicated as open space if the Commission finds that a need for a park or a playground is generated by the proposed subdivision. Current regulations do not include a provision for payment of a fee-in-lieu of open space dedication, she said. The proposed regulation amendment requires a mandatory 10% open space set aside for residential subdivisions greater than five acres. The amended regulation will also apply to residential resubdivisions of subdivisions predating the effective date of the proposed regulation amendment, she said. The Open Space regulations will not apply to subdivisions of less than 5 parcels, where transfer of land is to family for no compensation or to subdivisions containing 20% or more of affordable housing.

Ms. Bertotti explained that under the proposed amendment the Open Space includes areas that are left in their natural, undisturbed state, areas and facilities for non-commercial, non-profit recreation, for wildlife habitat, for passive and active recreation, ground water recharge or protection, and for scenic preservation. The areas reserved for surface water runoff-detention basins, regulated wetlands, waterbodies, brooks and streams are excluded from the definition of Open Space, except when the Commission deems it to be of benefit to the recreation areas in Town and/or upstream or downstream watersheds, she added. Ms. Bertotti described some specific criteria and general requirements for the consideration of Open Space areas. When appropriate, the PZC may request improvements such as parks, playgrounds, pedestrian walkways, landscaping, etc.

Ms. Bertotti said that the proposed regulation amendment includes the provision for a payment of a fee-in-lieu-of Open Space. The fee can not exceed 10% of the fair market value of the land prior to a subdivision or it can be set at \$2,000 per lot upon the agreement between the applicant and the Commission. The fee is paid at the time of the transfer of the ownership of individual lots at which time the money must be put in a fund dedicated for open space preservation or purchase, recreational and agricultural purposes, she said. Ms. Bertotti went over comments received from staff and the public and suggested that some comments be incorporated into the revised amendment.

Mr. Pellegrini read a memorandum received from the Conservation Commission in support of the changes. The Commission requested that it become an active participant in the application review process and felt more written detail is needed in the regulations to spell out the process in which fees-in-lieu-of open space were utilized to obtain open space outside of the subdivision. Mr. Pellegrini explained that his understanding is that the Planning and Zoning Commission is allowed to accept a fee-in-lieu-of open space (or a combination of land and fee) and the funds are placed into a dedicated fund. Once the money is placed into a fund, it is dedicated for open space for recreational activities or acquisitions. It is placed in the Town’s General Fund and appropriated by action of the Board of Directors.

Chairman Sierakowski asked for anyone wishing to speak in favor or in opposition of the application to come forward.

Bonnie Potocki, 140 Hilliard Street, a member of the Conservation Commission, supports the revisions. She thinks it would enhance the quality of life for all Manchester residents in adding more open space for them in terms of trails and parks. She applauded the Planning and Zoning Commission in taking the initiative and revising these regulations. Town staff carried out thoughtful and thorough research, examining the regulations of at least 15 other Towns.

The chairman closed the Public Hearing portion of the meeting at 7:35 p.m.

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

OFFICIAL TAPE NO. 1014