

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

ROLL CALL:

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

Alternates: Eric Prause (sitting)

Absent: Kevin Dougan, Secretary
Matthew Galligan
Adam Gootkin

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

Time Convened: 7:16 P.M.

NEW BUSINESS:

SIDEWALK AND CURB PLAN 2009-2014 – proposed amendment to add a good cause for payment in lieu of installation of sidewalk and curbs when they are proposed on a State road and the State denies an installation permit.

Sidewalk and Curb Plan 2009-2014

MOTION: Mr. Diminico moved to approve the sidewalk and curb plan with the modification that the word “or” be added to the proposed language described in item #2 of Renata Bertotti’s memorandum to the Commission dated June 30, 2009. Mr. Prause seconded the motion and all members voted in favor.

LAGACE CONSTRUCTION, LLC – 159 Tufts Drive – construction of a 12’ x 16’ deck on rear of house – Inland Wetlands Permit – Determination of Significance (L-120); Inland Wetlands Permit (L-120)

The applicant, Mr. John Lagace, said his company is proposing the addition of a 12' x 15' deck behind the residence at 159 Tufts Drive. He said he would need to dig three 10" diameter pier supports. He said the extra materials would be removed immediately and mulch or hay will be provided around the piers. There will be no additional disturbance.

In response to a question from Mr. Sierakowski, Mr. Lagace said the digging would be strictly for the sono tubes.

Mr. Kidd noted that in previous applications Mr. Bordeaux explicitly stated his recommendations and wished he had in this case. Ms. Bertotti pointed out that on page two of his memorandum to the Commission, dated July 1, 2009, Mr. Bordeaux recommended a finding of no significant impact. Mr. Kidd expressed concern because it is stated that staff recommends that finding; not the Wetlands Agent. He asked for clarification in future communications.

In response to questions from Mr. Prause, Mr. Lagace said he will only be digging for the piers, no other digging will take place. Mr. Lagace does not know the depth of the water table, but these piers will be no deeper than the footings of the house.

Ms. Bertotti stated there are no outstanding staff comments.

Inland Wetlands Permit – Determination of Significance (L-120)

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

Inland Wetlands Permit (L-120)

MOTION: Mr. Diminico moved to approve the inland wetlands permit with work to be completed within five years. Mr. Mancini seconded the motion and all members voted in favor.

LEVY PROPERTIES, LLC – 241-255 Middle Turnpike West – façade changes of color and material on two towers of Dunkin Donuts building – Special Exception Modification (L-121)

Mr. Gary Capatano, Gasey Engineering Company, represented the applicant. He apologized to the Commission members regarding the timing on this application; he did not know the specific procedure. He described modifications that were made to the materials on the front tower of the building including a change in material to eifes and a change in color to a darker brown.

Mr. Diminico said he likes the building and that the end result looks fine. He said it bothered him that the change was only found when the Zoning Enforcement Officer went to inspect for a Certificate of Occupancy.

In response to a question from Mr. Mancini, Mr. Capatano explained that the color change was due to the materials used for load bearing masonry as well as the monochromatic blending preferred by Dunkin Donuts.

Mr. Prause said he drove by the site and does not think this building conforms with the surrounding buildings; he said it resembles a giant coffee bean. He doesn't think this is the best color scheme or the best materials that could have been used and asked the feasibility of switching to brick.

Mr. Capatano said it is always a possibility to change the appearance. He noted that the offending color could be painted, but expressed concern over the paint peeling and fading over time. The current materials will not peel or chip.

Mr. Sierakowski thought that since this is brand new construction, a high-grade commercial product might work.

Mr. Diminico said he doesn't think it looks too bad and understands the maintenance concerns. He asked for an estimated cost to tear off the current finish and install a new finish. Mr. Capatano estimated tens of thousands of dollars.

There was further discussion among Commission members regarding painting, contrast and blending with surrounding buildings, and the regulations governing the surrounding buildings' ability to change color. Commission members also discussed setting precedent and preventing a similar situation from happening in the future.

Special Exception Modification (L-121)

MOTION: Mr. Mancini moved to approve the special exception modification. Mr. Diminico seconded the motion. Members Mancini, Sierakowski, Diminico and Kidd voted in favor; member Prause voted against. The motion carried 4 to 1.

MANCHESTER WATER & SEWER DEPARTMENT – 125 Spring Street – Special Exception Modification (M-379)

Mr. Pat Kearney, Water and Sewer Department, introduced Ed Guilmette, Engineer with Tighe and Bond.

Mr. Guilmette explained that he is requesting a change in the location of one of the air-handling units originally proposed for the roof of the new building. He said the project consists of construction in two locations, one is new construction and one is renovations to the office area. The new construction will not be completed until January, but he is hoping to have the office staff into the new offices before then. The air-handling unit is required for heat in the office area. If it is installed on the older portion of the building, staff will be able to move into the renovated office area before January. The unit will only be seen from the swimming area, and possibly the ball fields. There are other things on the existing building, including a 24' silo.

Special Exception Modification (M-379)

MOTION: Mr. Mancini moved to approve the special exception modification. Mr. Diminico seconded the motion and all members voted in favor.

APPROVAL OF MINUTES:

Moratorium Workshop – June 10, 2009

MOTION: Mr. Kidd moved to approve the minutes as written. Mr. Prause seconded the motion. The motion carried 3-0, with Members Sierakowski and Diminico abstaining.

ADMINISTRATIVE REPORTS:

Proposed changes to the Subdivision and Zoning Regulations

Ms. Bertotti briefly described the changes made to the zoning regulations and distributed a draft version for Commission members to review. She suggested the Commission hold a workshop to discuss the changes with review staff.

Mr. Pellegrini added that a workshop will give Commission members the opportunity to review the draft and work through the details before a public hearing. The intention is to hold a public hearing in August and act by September.

There was a consensus to hold an 8:00 a.m. workshop within the next couple of weeks. Mr. Diminico suggested inviting the Fire Marshal to the workshop.

RECEIPT OF NEW APPLICATIONS:

TOWN OF MANCHESTER PUBLIC WORKS DEPARTMENT – Gardner Street to Wyllys Street – Inland Wetlands Permit (T-491); Erosion Control Plan (T-492); Flood Plain Permit (T-493) – Construction of approximately 4,600 feet of multi-use trail from Gardner Street to Wyllys Street.

EIGHTH UTILITIES DISTRICT – 560 North Main Street – Inland Wetlands Permit (E-49) – replacement of sanitary sewer pumps and associated site improvements.

HILLIARD MILLS LLC – 642 Hilliard Street – Inland Wetlands Permit (H-194) – repaving of existing lots, environmental cleanup.

HILLSTOWN ENTERPRISES, LLC – 871 Hillstown Road – Inland Wetlands Permit (H-195); Erosion Control Plan (H-196) – wetlands restoration and closure of pig feed lot consisting of clearing, regrading, capping, and planting vegetative cover.

MANCHESTER POLICE ACTIVITIES LEAGUE, INC. – 642 Hilliard Street – Special Exception (M-380) – special exception under Article II Section 16.15.02(g) for a health and recreation club in an Industrial zone.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendments – Article IV Section 11.02.01(d) and Article IV Section 11.03.02(a) (T-494) – revisions to the Zoning Regulations at Article IV Section 11.02.01(d) and at Article IV Section 11.03.02(a).

MANCHESTER WATER & SEWER DEPARTMENT – 125 Spring Street – Special Exception Modification (M-379) – relocation of roof-mounted air-handling unit at the Globe Hollow Water Treatment Plant.

The chairman closed the business meeting at 8:45 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. 1043, 1044