

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 20, 2009**

ROLL CALL:

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

Alternates: Eric Prause (sitting)

Absent: Eugene Sierakowski, Chairman

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

Time Convened: 7:21 P.M.

NEW BUSINESS:

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

Special Exception (M-380)

MOTION: Mr. Dougan moved to approve the special exception with modifications in memoranda from Bernard Kalansuriya to Renata Bertotti, dated October 19, 2009 and from James Davis to Renata Bertotti dated October 19, 2009. Mr. Kidd seconded the motion and all members voted in favor.

TOWN OF MANCHESTER WATER & SEWER DEPARTMENT – 192 Charter Oak Street –
installation of a LPG line through parking lot – Inland Wetlands Permit – Determination of
Significance (T-496); Inland Wetlands Permit (T-496)

Mr. Patrick Kearney, Field Maintenance Manager, said the Town is applying for an Inland Wetlands Permit to replace a 250 gallon tank with a 1,000 gallon tank and run a new line into the building. The heating system has been changed to natural gas. He said the proposed work would be in the upland review area only.

Ms. Bertotti said there are no outstanding staff comments associated with this application. She referenced a memorandum from Matthew Bordeaux recommending no significant impact, based on installation of the propane tank in the same location as the existing tank.

Inland Wetlands Permit – Determination of Significance (T-496)

MOTION: Mr. Dougan 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 (T-496)

MOTION: Mr. Dougan moved to approve the inland wetlands permit for a 5-year term with one year from the start of construction to complete the project. Mr. Mancini seconded the motion and all members voted in favor.

UNITARIAN UNIVERSALIST SOCIETY – 153 Vernon Street West – replacement of existing stormwater infiltration system and modification of previously approved driveway widening – Special Exception Modification (U-49)

Mr. Mark Peterson of Gardner and Peterson, said he is requesting two changes to the previously approved plans. He said the applicant is currently in the process of construction and as the crew broke ground, it came across an underground infiltration drainage system. He said he has developed a revised plan including this system. The second change would be to modify the widening of the driveway. Construction was originally to take place mostly to the south of the driveway, but the new plan would move a portion of the widening to the north of the driveway to minimize the filling.

In response to a question from Mr. Diminico, Mr. Peterson stated the driveway would be the same width as approved, just adjusted.

Ms. Bertotti said there are no outstanding staff comments. She said she received correspondence from a neighbor at 780 Vernon Street with concerns over changes to the storm water management system. In an e-mail, the neighbor claimed there was currently no overflow onto their property but is concerned that with the new system, overflow will occur. Ms. Bertotti showed the e-mail to the engineering department who responded by explaining the sloping toward the neighbor's property is a pre-existing condition. The new system slightly exceeds the capacity of the old system but complies with the Town's standards and finds that there will be no increase in the rate of flow.

Mr. Pellegrini further explained that the stormwater management plan originally approved and the proposed changes meet the requirements of the Town. He said this is not a public hearing and the Commission has no requirement to accept concerns from the public.

In response to a question from Mr. Diminico, Mr. Peterson said because it was not maintained correctly, the underground system became clogged with sand and did not function properly, causing the water to infiltrate into the ground. He said if there had been a massive rainfall event, the water would have bubbled to the surface. He said the applicant is implementing a maintenance program for the future to avoid this problem.

Special Exception Modification (U-49)

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

BIRCH MOUNTAIN ESTATES VIII – High Ledge Circle (aka 190V Coop Sawmill Road) – Subdivision (S-165) – declare subdivision null and void

Mr. Pellegrini said this item was discussed at the last meeting of the Planning and Zoning Commission. At that time, representatives of the developer spoke and an update on the status of the construction was provided. He said he received a report on the status of the development that afternoon: all public improvement work has been completed; the only physical work remaining is the planting of street trees, which is typically done when the lot is developed. Deeds for

roadways, etc. are in the Town's possession and are under review. He said Mr. Staye clarified the completed work was inspected. A minor punch list was produced and has since been corrected. Other outstanding work is related to movement of materials and the erosion control plan, which expired on October 1. The Commission has received a letter asking for an extension of the erosion control plan, which has been placed on a future agenda.

In response to a series of questions from Mr. Diminico, Mr. Pellegrini explained that there will be some conversations between the Town and the developer regarding engineering aspects of as-builts, deeds and the like. He is not aware of any particular disagreements, but does not know the schedule. Some of the paperwork was submitted before October 1 and some within the last week.

Mr. Prause said the Commission is now faced with the reality that it should have denied the extension. Since the extension was granted, residents will have to put up with more crushing and blasting. He cautioned fellow Commission members that if the decision is to declare the subdivision null and void, the decision should be as fair as possible to both the applicant and the residents.

In response to a series of questions from Mr. Kidd, Mr. Pellegrini explained that there will be an application for an extension of the erosion control plan before the Commission for approval in the very near future. He said the existing plan will be modified based on recommendations made by the new engineer working on the site. If the extension is granted, it would fall under the regulations in effect at the time it is extended.

In response to a question from Mr. Mancini, Mr. Pellegrini said the situation with the entire subdivision is unusual. There have been extensions granted for erosion control plans when a situation warranted it. This subdivision still has materials that need to be removed or distributed and it is reasonable to address this need through an extension. He said staff will ask the applicant how much time is needed and for a construction sequence. It is possible that a revised erosion control plan would require an increase in the bond amount.

In response to a question from Mr. Diminico, Ms. Bertotti said the last extension was granted in May 2009 to extend to October 2009. The pending application for extension of the erosion and sedimentation control plan would be fourth extension, she said.

Mr. Diminico believes the Commission needs to be fair to all parties involved. He said he has concerns about the timeframe and how the project will impact the abutters. He would like to see this matter resolved in such a way that no latitude is given to the applicant. Mr. Diminico said he would like to be able to give this matter some more thought.

Mr. Kidd said he would like to table this matter until the next meeting. He would like to see a timeline from the applicant regarding plans to clean up the site. Mr. Kidd thought all rock crushing was complete. He would like to see a comprehensive plan that includes assurances to the neighbors that the impact will be kept to an absolute minimum. Mr. Kidd would like some more time to look at this matter and get more information from staff and the developer.

Mr. Prause pointed out that the erosion control plan is separate and cannot be considered as part of the null and void decision.

Mr. Diminico said Mr. Prause's point is well taken. He said he would not make a decision based on a future erosion control plan, but acknowledged that he does have a concern about that plan.

Mr. Mancini concurred with Mr. Diminico and Mr. Kidd. It is the Commission's job to uphold regulations and laws. If the submission requirements are part of this decision, the Commission needs to wait; he wants to go forward in the proper manner.

Mr. Pellegrini said if the Commission decides to table its decision, he would obtain a more definitive schedule from the Town Attorney and Chief of Survey.

Subdivision (S-165) – declare subdivision null and void

MOTION: Mr. Kidd moved to table this application until November 2, 2009. Mr. Mancini seconded the motion. Members Kidd, Mancini, Dougan, and Diminico voted in favor, member Prause voted against. The motion passed 4 to 1.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – request for amendments to the zoning regulations to replace the word “constructed” with word “located” for schools and places of worship on arterial or collector streets.

Zoning Regulation Amendments (T-500)

MOTION: Mr. Dougan moved to approve the proposed zoning regulation amendments to be effective at the end of the appeal period. Mr. Prause seconded the motion and all members voted in favor.

APPROVAL OF MINUTES:

August 12, 2009 – Public Hearing/Business Meeting

MOTION: Mr. Dougan moved to approve with edits to the public hearing minutes. Mr. Kidd seconded the motion and members Dougan, Kidd and Diminico voted in favor. Members Prause and Mancini abstained and the motion passed 3 to 0.

September 21, 2009 – Business Meeting

MOTION: Mr. Dougan moved to approve with the corrections of a motion on page 4. Mr. Kidd seconded the motion and members Dougan, Kidd, Diminico and Mancini voted in favor. Member Prause abstained and the motion passed 4 to 0.

RECEIPT OF NEW APPLICATIONS:

PETER GRADY – Zoning Regulation Amendment: Article II Section 22.02.04 (G-154) – regulation amendment to allow indoor and outdoor seating at restaurants.

CHURCH OF THE LIVING GOD – 199 Deming Street – Special Exception Modification (C-266) – modify approved plans to revise grading adjacent to southerly boundary and lower top frame of existing catch basin.

770 LLC – 190 Coop Sawmill Road – Erosion Control Plan (S-217) – resubmission of an expired erosion control plan to complete a 21-lot subdivision.

The chairman closed the business meeting at 8:36 p.m.

I certify these minutes were adopted on the following date:

December 16, 2009
Date

Eugene Sierakowski, Chairman

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

OFFICIAL TAPE NO. 1057