

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 5, 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

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

Time Convened: 7:00 P.M.

OLD BUSINESS:

HILLIARD MILLS, LLC – 642 Hilliard Street – Inland Wetlands Permit – Determination of Significance (H-194)

Mr. Bordeaux stated the applicant has addressed all outstanding issues.

Peter Bonzani, 80 Laurel Street, owner of Hilliard Mills, stated all staff concerns have been addressed. Still outstanding was the methodology with which to manage stormwater. The applicant explained that hydrodynamic separators will be utilized in the west and center parking lots. He said a larger area of greenery has been added along the brook in the west parking lot at the recommendation of the Conservation Commission.

In response to a question from Mr. Prause, Mr. Bonzani explained that while the remediation activity is taking place silt fencing will line the entire perimeter of the parking lot adjacent to Bigelow Brook, and that he will be sure to coordinate activity with the weather. There will be no need to go into the brook itself, but at the recommendation of the Town Engineer, rip rap will be added to stabilize the bank. There will be no impact to Bigelow Brook. Mr. Bonzani said he does not anticipate any effect on flood plain capacity.

Mr. Kidd said he was concerned about making a decision on this application without a completed plan. He now has a better understanding of the plan, which makes it easier for him to make a determination.

Mr. Bordeaux said he spoke directly to the Town Engineer to clarify some questions about the rip rap being placed on the bank. The plan calls for 30 cu.ft. of modified rip rap, which will absorb the impact of accelerated flow during a flash event. There is no room for vegetation because the parking lot was installed up to the edge of the brook. Engineering staff is satisfied with the hydrodynamic separator. The improvements meet standards and should improve the site.

In response to a question from Mr. Sierakowski, Mr. Bordeaux said the Town staff recommends a finding of no significant impact.

Inland Wetlands Permit – Determination of Significance (H-194)

MOTION: Mr. Kidd 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.

NEW BUSINESS:

JOSEPH GIBILISCO, JR. – 56 Amherst Drive – construction of a carport in wetlands area – Inland Wetlands Permit – Determination of Significance (G-152); Inland Wetlands Permit (G-152)

The applicant, Mr. Gibilisco, explained his desire to build a two-car open carport at the end of his driveway, where two cars normally park. The impact to the wetlands would consist of sinking four 8-inch columns of cement 42 inches into the ground. He said any soil removed will be spread throughout the gardening areas in the yard.

Mr. Sierakowski noted that this is an existing subdivision with existing parking.

Mr. Diminico commented that the area is currently paved and asked about the pitch of the driveway.

Mr. Bordeaux said the road is higher than the driveway; the driveway slopes toward the proposed carport area. The roof will collect rain in gutters with a single discharge point into the existing lawn/rear yard area and eventually into the brook.

Inland Wetlands Permit – Determination of Significance (G-152)

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

Inland Wetlands Permit (G-152)

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

MANCHESTER MEMORIAL HOSPITAL – 100 Haynes Street – Proposed transformer pad and grading modifications at approved building site – Special Exception Modification (M-382)

Mr. Philip Doyle, representing the applicant, explained that minor modifications have been needed for the site plan as the construction process proceeds. One desired modification is the transformer pad location. He said the applicant would like to move the transformer pad to the rear of the building along Haynes Street, near the employee parking lot door. The transformer would be approximately five feet tall and screened with arborvitae.

In response to a question from Mr. Sierakowski, Mr. Doyle said that rhododendrons were suggested at first, but since the transformer will be five feet rather than the three feet originally planned, effective screening would need to be taller than rhododendrons. Mr. Doyle distributed an artists rendering of the design and a copy of the plantings to all Commission members. He noted that the transformer will be screened on three sides, with the doors facing the Haynes Street side.

Ms. Bertotti said there are no outstanding staff comments. She would like to have the Zoning Enforcement Officer check for sighline issues, but she does not anticipate an issue.

In response to a question from Mr. Sierakowski, Mr. Doyle said the arborvitae will be seven inches to eight feet at planting and match the rest of the plantings approved by the Commission.

Special Exception Modification (M-382)

MOTION: Mr. Kidd moved to approve the special exception modification with the condition that the proposed plantings are replaced with 7 to 8-foot tall arborvitae and verification by the Zoning Enforcement Officer of no sight line obstruction. Mr. Diminico seconded the motion and all members voted in favor.

FUSS & O'NEILL, INC. – 160 Hartford Road – installation of a 10' x 18' storage shed – Flood Plain Permit (F-152); Historic Site Plan Approval (F-153)

Mr. Tom Galeota, Project Manager with Fuss & O'Neill, reviewed the history of the expansion of Fuss & O'Neill which included the recent expansion into what was known as the Clark Paint Building. The company had an office for its Enviro Science branch in Newington, but with the expansion of space in Manchester, that branch has moved here. The equipment, however, is still in Newington. The applicant would like to erect a 10-foot x 16-foot storage shed for equipment storage. The shed will be located in the back parking area, approximately 300 feet from the road. Existing vegetation will remain on three sides of the shed. He said this application was brought before the Historic Commission, which had concerns about the color and proposed vinyl siding. It was determined the applicant will use cedar siding and a color that will compliment the brick Clark Paint building instead. Mr. Galeota said the location of the shed was originally planned closer to the brook, but many permits were required. The cost of the permits would exceed the cost of the shed. The proposed location also has better lighting. Because the shed will be located within the flood plain, he said a one-foot square opening will be cut at each gable end of the shed. If the parking lot were to flood, water would enter the shed and there would be zero loss of flood storage.

Mr. Galeota explained that in renovating the building, Fuss & O'Neill has been trying to obtain LEEDS certification. In order to receive certification, employees who smoke must smoke outdoors in a protected or covered area. He is proposing the addition of a four-foot shed roof appendage off the back of the shed to provide this area for smokers. It will be approximately

eight feet in length with no sides or front. Kloter Farms will provide additional shingles to match the shed.

In response to a series of questions from Mr. Diminico, Mr. Galeota said the shed will sit in an existing parking space, approximately four inches off of the ground. The gable end will be tucked into the corner of the pavement and will face Hartford Road. The addition will hang over to the east into the vegetated island. Soil extraction equipment, with lawnmower-type engines that use gasoline and oil, will be stored in the shed. The shed will have a wood floor and no unusual hazardous materials will be stored in it. A portable ramp will be used and will be put away when not in use. The shed will be anchored.

Ms. Bertotti stated there are no outstanding staff comments.

Mr. Pellegrini said the Cheney Commission voted to support the location and installation as well as the lean-to roof addition for smokers. The Commission recommended cedar siding in a color that would compliment the red brick.

Mr. Galiota distributed pictures of the new entry to the south side of the Clark Building. He pointed out how the former loading dock has been enhanced and proposed using the same color that was used for the entryway on the shed. Any trim would be "Cheney Green."

In response to a question from Mr. Sierakowski, Mr. Galiota said the shed has no gutters.

Flood Plain Permit (F-152)

MOTION: Mr. Kidd moved to approve the flood plain permit. Mr. Mancini seconded the motion and all members voted in favor.

Historic Site Plan Approval (F-153)

MOTION: Mr. Kidd moved to approve the 10' x 16' storage shed with modifications that there is to be an additional smoker's area, and the shed siding will be cedar in the brick red color with "Cheney Green" trim as shown on plans submitted on October 5, 2009. Mr. Mancini seconded the motion and all members voted in favor.

HIGHLAND OAKS CORPORATION – 900 Middle Turnpike East (Castle Hill) – amending existing phasing plan for Rieg Highland Subdivision, dividing existing Phase 5 into 5A & 5B and modifying the approved intersection – Phasing Plan (H-198)

Attorney Stanley Faulkenstein, on behalf of the applicant, explained that Phase 5 is the last phase in this subdivision and contains 30 lots. With the market as it is, he said the developer would like to divide this portion into two phases: 5A with 10 lots, and 5B with 20 lots. This would require bringing the road into a cul-de-sac. The result would ease the economic burden on the developer.

Mr. Peter Henry of Holmes & Henry, displayed a map showing phases 5A, in yellow, and 5B, in orange. He said the applicant is proposing a cul-de-sac while keeping the grading the same as originally approved by the Planning and Zoning Commission. The only area to be disturbed will be the cul-de-sac itself, which is about 3,600 square feet. He said the area where the work will

take place is located outside of the regulated wetlands area. The cul-de-sac has been designed to maintain grade. Mr. Henry said utilities are already installed, as is drainage. The applicant had received staff comments and resubmitted a plan earlier in the day.

Ms. Bertotti explained that Town staff had some minor technical comments and said she has not yet received comments on the revised plans.

Mr. Sierakowski asked if the cul-de-sac is large enough for turnaround and plowing and was answered in the affirmative. He expressed concern about the stubbing of water service and asked if this issue has been addressed.

Ms. Bertotti explained that the applicant has been required to extend water service to this intersection. The Water and Sewer Department had no comments.

Mr. Henry explained that he met with Town staff, including a representative from the Water and Sewer Department. The water and sewer services have been extended past the cul-de-sac so when phase 5B continues, there will be no interference with what exists. The hydrant at the end of the water line can be used as a blowout. He noted that the entire project must be completed by 2012.

Phasing Plan (H-198)

MOTION: Mr. Diminico moved to approve the phasing plan with modifications as stated in staff memoranda from Jeff LaMalva, Assistant Town Engineer to Renata Bertotti, Senior Planner, dated September 16, 2009; and from Bernard Kalansuriya, Civil Engineer, to Renata Bertotti, Senior Planner, dated October 1, 2009.

629, LLC – 629 Middle Turnpike East – proposed changes to approved plans – Special Design Commercial Site Plan Modification (S-216)

Mr. Jim Aldrich, representing the applicant, said he was recently hired by the applicant to alter the plan to make it more affordable. He gave a brief slideshow of neighboring structures. He said proposed changes include eliminating the basement tenant use; reducing the size of the parking lot; eliminate a retaining wall and dumpster pad; use existing fence along the back of the property line rather than replace with new; have basement access through a hatchway rather than a stairwell; and moving the front entry door closer to the driveway. He proposes to reduce the size of the storm water detainage system and tweak light pole levels.

The lighting system will utilize standard light poles, as used on neighboring properties, and will not impact the neighbors.

The landscaping plan eliminated one retaining wall and extended the existing fence.

On the elevation plan, Mr. Aldrich explained that a canopy was originally planned over the front door. Since that door will not be used, the canopy was eliminated. Walls were lowered to nine feet in height. The window in the front was eliminated as well as the fancy stair to the basement area. The back elevation shows the customer entrance. A large window will replace the originally planned transom window and a storefront door with a side light will be used.

In response to a question from Mr. Diminico, Mr. Aldrich explained that the existing wood fence on the north side of the property is owned by the abutter. Some is in decent shape and the property owner has been fixing it up. The applicant would like to put in small hedges on their property on the east and north sides. In four or five years, the hedge will be equal in height to the fence.

In response to a question from Mr. Diminico regarding headlights, Mr. Aldrich explained that the way the site is graded, the pitch is two feet to three feet higher going back. The fence on the north side is in the best condition. Headlights will be screened up to nine or ten feet. On the east side, the grade is pitched four feet to the property line. The parking lot is four feet lower than the property line.

Mr. Diminico commented that both fences are close to the end of their useful lifespan. He would like to see something more long term.

Mr. Aldrich said he believes the fence has another five years of life with a small amount of maintenance. The applicant will plant hedges next spring along the northern fence. He prefers to plant hedges that will eventually meet the standards.

Mr. Diminico stated that someday the fence will be in disrepair and asked where we will be then. A natural barrier would be nicer. The fact that the applicant does not own the fence on the north side gives him cause for concern.

Mr. Aldrich said he has asked the landscape architect to keep the buffer the same. The hedge he is proposing is not shown on the drawing. It is a long term solution for privacy issues. He is requesting that the Commission approve the smaller hedge, under the minimum specifications, which would grow to meet the criteria. On the east side of the property, the applicant will maintain the existing fence.

In response to a question from Mr. Prause, Mr. Aldrich said the stairs to the street will be eliminated. The challenge with this property is having an entrance in the front of the building. He prefers not to accentuate a door which will not be used. Mr. Aldrich stated that this will be a beautiful building and his client has been in business in Manchester for 20 years. By eliminating the stairs, use of the front door will be discouraged and funds will be used more efficiently.

Ms. Bertotti said any outstanding staff comments are minor and technical in nature. Town staff asked about the appearance of the proposed salvaged fence and if the Commission was satisfied with salvaged wood fencing as presented.

Mr. Diminico said he supports small business and understands the costs involved. He is concerned, however, that the applicant does not own the fence on the north side.

Mr. Aldrich explained that the applicant is trying to reach some middle ground. The hedge would be planted now and would be at the right height in 4 to 5 years, if the fence were to come down.

Mr. Kidd said potential screening issues need to be addressed proactively rather than reactive, as the response to a problem.

Mr. Aldrich explained that the regulations call for a fence or hedge of a certain height. The fence meets the requirements from day one, and in the event the fence is taken down, the hedge will meet the regulations in time.

Mr. Pellegrini pointed out that the parking lot has been pulled back from the property line and there has been an elevation change. The Commission has to satisfy itself with a buffer of sufficient width and screening of visual intrusion.

Mr. Sierakowski restated the applicant's intent, which is to put in four-foot plantings and still have a fence at this location. If something were to happen to the fence, the hedges would mitigate that issue.

Mr. Pellegrini stated that the existing fence does not meet the requirements because it is on someone else's property.

Mr. Prause believes the elevation grades will block the parking lot from disturbing neighbors. The parking lot is 367 feet, the back is 370 feet, plus two feet hydrangea makes five feet already. He thinks the existing plan works.

Mr. Mancini concurs with Mr. Prause. He suggested approving the plan tonight with a condition that the applicant include four-foot shrubs.

Mr. Prause said he would like further clarification on the eastern fence material.

Mr. Aldrich said the fence to be used is the one in the photos, a wooden stockade fence. The applicant plans to take what he needs from the western fence and add it to the eastern fence to satisfy the requirements for a residential buffer.

Special Design Commercial Site Plan Modification (S-216)

MOTION: Mr. Diminico moved to approve with modifications from Nick Francione to Renata Bertotti, dated September 24, 2009 and with the condition that the applicant returns before the Commission with the revised landscaping plan for the northern boundary. Mr. Mancini seconded the motion and all members voted in favor.

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

Ms. Bertotti stated that any staff comments remaining are minor and technical in nature and briefly described them for the Commission.

Mr. Peter Bonzani, Hilliard Mills, LLC, explained that he and his partner purchased this property in 2006. As part of their obligations, they are required to remediate any areas in need of it. After environmental investigation, five areas were found in need of remediation. Four areas are small 20-foot by 30-foot areas, and one is a large area between buildings 2 and 3. Coal ash was used to provide heat from the mid-1800s through World War II. It is required that the area be capped to remediate it. Two areas in the west parking lot, approximately 20 feet x 30 feet each, will be remediated. Silt fence will be placed along the brook, the area will be excavated down

approximately two feet, and materials removed and stockpiled on a liner using appropriate erosion control methods. He said hay bales will be used around storm drains.

Mr. Bonzani said areas A, B, C, and D on the map, which are in the west parking lot and south of building 4, are located within the upland review area. The larger area between buildings 2 and 3 is not located in the upland review area, but is in the flood plain. Materials will remain on site for one to two weeks while an environmental consultant takes samples and tests the material. Once the material is categorized, it will be disposed of. The materials removed will be replaced with clean processed gravel and the area will be paved over. The overall disturbance is approximately 10,000 square feet. The applicant would like to deal with the smaller areas (A,B,C, & D) first and complete capping this year before winter sets in. The larger area will be remediated in the spring of 2010, with the entire remediation project completed by the summer of 2010.

In response to a question from Mr. Bordeaux, Mr. Bonzani said that the stockpiling will be removed as soon as possible; there will be no stockpiling over the winter.

Inland Wetlands Permit (H-194)

MOTION: Mr. Kidd moved to approve the inland wetlands permit with modifications as stated in staff memoranda from Nick Francione to Renata Bertotti dated October 1, 2009; Thomas O'Marra to Renata Bertotti dated October 1, 2009; Bernard Kalansuriya to Renata Bertotti dated October 2, 2009; and Renata Bertotti to Peter Bonzani dated September 30, 2009 for a five-year term with one year to complete the project from the start of construction. Mr. Diminico seconded the motion and all members voted in favor.

HILLIARD MILLS, LLC – 642 Hilliard Street – repaving of existing lots, environmental cleanup – Flood Plain Permit (H-197)

Flood Plain Permit (H-197)

MOTION: Mr. Kidd moved to approve the flood plain permit with modifications in staff memoranda from Nick Francione to Renata Bertotti dated October 1, 2009; Thomas O'Marra to Renata Bertotti dated October 1, 2009; Bernard Kalansuriya to Renata Bertotti dated October 2, 2009; and Renata Bertotti to Peter Bonzani dated September 30, 2009. Mr. Diminico 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) – request for extension

Inland Wetlands Permit/Determination of Significance (T-496) – request for extension

MOTION: Mr. Diminico moved to grant an extension to October 20, 2009 to consider this application. Mr. Kidd seconded the motion and all members voted in favor.

The Planning and Zoning Commission took a brief recess at 9:17 p.m. and returned at 9:27 p.m.

ADMINISTRATIVE REPORTS:

Birch Mountain Estates VIII

Mr. Pellegrini reviewed the status of the subdivision saying the Planning and Zoning Commission granted an extension to Birch Mountain Estates VIII to allow completion of public improvements by October 1, 2009. Since that approval, work was started, much of it in the month of September. A memorandum was received last week, and another report today based on the condition of the development as of noon today. Mr. Pellegrini reviewed the memo for Commission members. The streets are complete and the final paving course is on. The Town does not have deeds, but the physical work is complete. Sewer mains have been installed and repairs have been made to one lateral. The deed for the open space requirement was received several years ago. Street lights have been installed and a conduit for phone and electric has been installed. CL&P's portion of the work is not yet done. Payment has been received for street name and traffic signs. No trees have been planted as of yet, but it is typical that street trees get planted when homes are built. Loaming and seeding is complete. With the exception of the street trees, all work is completed. Other matters include a final review and inspection, as well as the review of the deeds.

The subdivision expiration date was October 1, 2009 and the statutes read that a subdivision will expire if the Planning and Zoning Commission places on the land records that the subdivision is null and void.

The options of the Planning and Zoning Commission are: to declare the subdivision null and void because the street trees are not complete and require a new application; or require a bond from the applicant for the trees, currently approximately \$49,000.

Mr. Sierakowski expressed concern over legal ramifications, as well as the arrogance and lack of respect for the residents of the neighborhood. He mentioned work recently done in the middle of the night.

Ms. Bertotti said that work was done by AT&T. Mr. Pellegrini further explained that AT&T has a third shift operating now and sent a crew out to do this work; that was not requested by the developer.

Mr. Diminico expressed concern about remaining stockpiles of materials and how they will be handled down the road. He asked what would happen if something is on the punch list that is not part of the bond. He expressed concern that the developer may not have money to complete items on the punch list.

In response to a question from Mr. Sierakowski, Ms. Bertotti explained that the current proposal to change the Zoning Regulations to exclude crushing and hauling is pending with CRCOG. A public hearing on this item is on the Commission's November 2 agenda.

Mr. Prause wondered if the subdivision could legally be declared null and void based just on the fact that the trees are not planted.

In response to a question from Mr. Sierakowski, Mr. Pellegrini explained that the new provisions in the subdivision regulations are really not applicable to this site. It is already a disturbed area and effectively a developed site. The Commission does have the opportunity to establish a bond

amount for work not completed. Mr. Pellegrini believes the options before the Commission are to consider another extension and obtain a bond to complete the work, or declare the subdivision null and void.

In response to a question from Mr. Kidd, Mr. Pellegrini said that if the Commission were to take no action, the subdivision just remains in limbo. The developer can continue work on the property.

In response to a question from Mr. Sierakowski, Mr. Pellegrini said if an extension were to be granted, the new subdivision rules would apply.

There was some discussion among Commission members of the timing of declaring the subdivision null and void, whether to leave it in limbo, and whether the new zoning regulations would help with rock crushing concerns. It was the consensus of the Commission members that this item should be put on the agenda for the next meeting.

APPROVAL OF MINUTES:

September 9, 2009 – Public Hearing/Business Meeting

MOTION: Mr. Prause moved to approve the minutes as written. Mr. Mancini seconded the motion and members Diminico, Mancini, Kidd and Prause voted in favor. Mr. Sierakowski abstained. The motion passed 4 to 0.

The chairman closed the business meeting at 10:24 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. 1054, 1055, 1056