

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2009**

ROLL CALL:

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

Alternates: Eric Prause (sitting)

Absent: Eugene Sierakowski, Chairman
Matthew Galligan

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

Time Convened: 8:15 P.M.

OLD BUSINESS:

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

Zoning Regulation Amendments (T-494)

MOTION: Mr. Dougan moved to table action on this application. Mr. Kidd seconded the motion and all members voted in favor.

NEW BUSINESS:

MANCHESTER MEMORIAL HOSPITAL – 21 & 15 Alpine Street; 94, 100 & 104 Haynes Street; and 99, 105, 111 & 115 Russell Street – proposed greenhouse addition to approved building – Special Exception Modification (M-383)

Philip Doyle spoke on behalf of the applicant and explained that the applicant has recently received approval for its oncology building. This application is to add a 318 square foot atrium space. Mr. Doyle displayed an artist's rendering of the proposed elevations. He explained the doctors asked for the expansion to create a nicer sitting area. They liked the idea of an open atrium to provide for seating and indoor plants.

Ms. Bertotti explained this application was submitted along with an application for the relocation of a transformer pad and associated minor grading changes. She said there are two separate applications due to the applicant's timing constraints, one for the atrium and one for the transformer pad. Both features, however are included on the plans. She said the zoning

enforcement officer requested plans with just the atrium and the applicant submitted nine copies of the site plan eliminating any change to the transformer pad late that afternoon.

Special Exception Modification (M-383)

MOTION: Mr. Dougan moved to approve the proposed atrium only. Mr. Mancini seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Subdivision Regulation Amendments (T-495)

Mr. Dougan asked if the item dealing with excavation of more than 10,000 cubic yards of material will be removed completely from this amendment and dealt with at a later date. Mr. Pellegrini said that is staff's recommendation.

Mr. Mancini said he is concerned about the rock crushing. He would like to see amendments placed within the zoning regulations. Mr. Kidd thinks including this item in the zoning regulations is an elegant solution and directly addresses his concerns.

Mr. Prause said there were three problems to be addressed when this project was undertaken: erosion control, rock crushing, and blasting. He understands the Commission has the ability to enforce the plan for erosion control. He agrees with others that the 10,000 cubic yards is an arbitrary threshold. Mr. Prause said it is disappointing that crushing could not be regulated through the subdivision regulations and said the Commission needs to move quickly to amend the earth excavation regulations.

Mr. Mancini, referring to the preservation of natural features on page 18, asked whether the language is strong enough. Mr. Dougan said it depends on the site. He thinks the builder did not have much choice at the Highland site because of the topography and geology. He suggested maybe Highland should not have been approved years ago, but the Commission has to look at the big picture.

Mr. Pellegrini explained that Ms. Bertotti worked to identify and define natural features. She had to strike a balance between vague language and language that was too specific. Town staff feels the language is specific enough and a huge stride forward. The Town Attorneys were uncomfortable with the language "to the greatest possible extent." The revised terminology, "prudent and feasible", is well defined and commonly used in land use regulations, in wetland regulations, and in case law. The Commission decides what is feasible and prudent, but this gives developers an idea what the Commission is looking for.

Mr. Diminico agreed this provides latitude to the Commission and is more defensible in the eyes of the law, as well as clear to the applicant. He commended the Town Attorneys, Town staff, and the public for this collaborative effort.

Mr. Kidd said he would like to discuss the notion of more enforcement or remedial action being written into the regulations.

Mr. Diminico said he originally had mixed feelings about the bond provision, but after speaking with the Director of Public Works, he is more comfortable. He did not want the Town to be left vulnerable but found out there are standards that address issues such as increases in costs.

Mr. Diminico and Mr. Kidd asked what enforcement mechanisms are currently in the regulations. Mr. Pellegrini explained the bonds are intended to guarantee successful completion of erosion control measures . There is enough language to allow corrective measures or require new erosion control measures. Mr. Pellegrini suggested Town staff would forward the recommendations for enforcement language to the Town Attorney's office and the PZC could have a workshop discussion regarding enforcement.

Mr. Diminico said the subdivision regulation revisions have been completed after long, hard work by Town staff. In the end, government worked the way it is supposed to. The Commission heard displeasure and concerns from the public and a developer and his attorney. Through this input and input from the Planning Department and the Town Attorney's office, we now have a very good final draft that meets the needs of all in a fair way.

In response to a question from Mr. Prause, Ms. Bertotti said the language for the zoning regulation amendments can be prepared within the next couple of weeks. The CRCOG notice requires a 30 day period, so the Commission is looking at early November for a public hearing.

Subdivision Regulation Amendments (T-495)

MOTION: Mr. Kidd moved to approve the Subdivision Regulation amendments as modified in the version dated September 2, 2009, to be effective September 18, 2009. Mr. Dougan seconded the motion and all members voted in favor.

HILLIARD MILLS, LLC – 642 Hilliard Street – Repaving of existing lots, environmental cleanup – Inland Wetlands Permit/Determination of Significance (H-194) – request for extension

Inland Wetlands Permit/Determination of Significance (H-194) – request for extension

MOTION: Mr. Dougan moved to approve the extension request until September 21, 2009. Mr. Mancini 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) – request for extension

Flood Plain Permit (H-197) – request for extension

MOTION: Mr. Dougan moved to approve the extension request until September 21, 2009. Mr. Mancini seconded the motion and all members voted in favor.

MANCHESTER POLICE ACTIVITIES LEAGUE, INC. – 642 Hilliard Street – Special Exception (M-380) – request for extension

Special Exception (M-380) – request for extension

MOTION: Mr. Dougan moved to approve the extension request for 65 days. Mr. Prause seconded the motion and all members voted in favor.

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

Revisions to Article IV Section 11.02.01 (d) and Article IV Section 11.03.02 (a) (T-494)

MOTION: Mr. Dougan moved to deny the proposed zoning regulation amendments. Mr. Prause seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Wesley V. Vancour – 95 Avery Street Zone Change: RA to SDC (V-41)

Mr. Pellegrini referred to an e-mail he had previously forwarded to Commission members. The author of the e-mail, Mr. Cunningham, is a resident of the Bryan Farms neighborhood and objected to the zone change to Special Design Commercial for 95 Avery Street granted by the Commission in 2008. Mr. Pellegrini said the Commission members should have copies of the e-mails between Mr. Cunningham and General Manager Shanley, as well as excerpts from the minutes of April 8, 2008.

Mr. Cunningham the hearing was only noticed in the local paper and only abutting property owners were notified. He was concerned about commercial property in a residential neighborhood, as well as traffic impact. Mr. Cunningham refers to a restaurant on the property and access from Macintosh Street. He was also concerned with extending the zoning to abutting properties. Mr. Cunningham requested that the Planning and Zoning Commission consider putting this property on the agenda and change the zoning to Residential A zone at 95 Avery Street. Mr. Pellegrini said the minutes show the zoning change was approved unanimously. To his knowledge, there is no occupancy of the building.

Mr. Diminico asked what the Town's responsibility was for notifying abutting owners. Mr. Pellegrini explained State statutes requires advertisement in a newspaper of general circulation. As a courtesy, the Town notifies abutting property owners by mail. In this case the Town notified six abutters. Proper procedures was followed and documentation is included in the file.

Mr. Diminico recalled the public hearing and only two people spoke during the public hearing; the owner and the abutter. He also remembers saying that under no circumstances does the zone change on this property imply the vacant lot would be next. Eighteen months later, the property is still vacant. This is the first time he has heard a member of the public address a decision of the Commission over a year after it was made. He has no second thoughts about the decision that was made and expressed concern about setting a precedent.

Mr. Mancini asked why this request for a zoning change is being made. Mr. Pellegrini explained that Mr. Cunningham has been corresponding with the General Manager about this property and is asking the Commission to reverse its decision. He does not own this property and has not submitted an application. Mr. Mancini asked if the public can approach the Commission in this manner. Mr. Pellegrini does not know if an individual property owner can ask for a zone change, but the Commission can change zoning and that is what is being requested. Mr. Mancini said he would like the Town Attorney's input on this item.

Mr. Prause asked if a copy of the public hearing minutes had been supplied to Mr. Cunningham. Mr. Pellegrini answered in the negative. Mr. Prause said most of the questions that Mr. Cunningham raises are addressed in the course of the public hearing and suggested forwarding a copy to him.

Mr. Kidd said this is cut and dry to him. The property was noticed, there was a public hearing, the Commission did its due diligence and made a decision. He sees no reason to reopen this issue and would be against doing so.

Mr. Diminico commented that when an applicant comes before the Commission it is not inexpensive to do so. An appeal is costly; a person would need to hire a lawyer and go to court.

He said he is open to looking at notice procedures and fine tuning them. In this instance, he will go with the facts and what is right. This is all about the process, which was completed correctly. He does not believe in “ripple effect” of zoning and was very clear about that during the public hearing on this zone change. He suggested Town staff provide a brief report on other Town's notice practices.

RECEIPT OF NEW APPLICATIONS:

TOWN OF MANCHESTER PUBLIC WORKS – 864 Middle Turnpike West – Inland Wetlands Permit (T-497); Flood Plain Permit (T-498) – Installation of a hydrodynamic separator and vegetated swale at drainage outfall at Olcott Street.

FAIRWAY CROSSING LLC – 104 & 104A Glode Lane and 1769 Tolland Turnpike – Inland Wetlands Permit (F-149); Erosion Control Plan (F-150); Planned Residence Development Final Plan (F-151) – Construction of 46 residential units, site utilities, associated roadways, grading and landscaping.

MANCHESTER MEMORIAL HOSPITAL – 21 & 15 Alpine Street; 94, 100 & 104 Haynes Street; and 99, 105, 111 & 115 Russell Street – Special Exception Modification (M-382) – Proposed transformer pad and grading modifications at approved building site.

MANCHESTER MEMORIAL HOSPITAL – 21 & 15 Alpine Street; 94, 100 & 104 Haynes Street; and 99, 105, 111 & 115 Russell Street – Special Exception Modification (M-383) – Proposed greenhouse addition to approved building.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendments at Article II Section 1.00.02 (e) 1 and Section 9.14.04 (a) 1 (T-500) – amendments to replace the word “constructed” with “located” under special requirements for schools and places of worship.

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

FRANK BORAWSKI – 261-263 Broad Street – Special Exception Modification (B-296) – addition of 6,000 sq. ft. for retail space.

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

LAWRENCE R. YURDIN – 232V Bush Hill Road – Inland Wetlands Permit (D-117)

The chairman closed the business meeting at 9:52 p.m.

I certify these minutes were adopted on the following date:

October 5, 2009
Date

Eugene Sierakowski, Chairman

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

OFFICIAL TAPES NO.: 1051, 1052