

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 20, 2010**

ROLL CALL:

Members Present: Joseph Diminico, Vice Chairman
Kevin Dougan, Secretary
Andy Kidd
Eric Prause

Alternates: Anthony Petrone (sitting)
Horace Brown

Absent: Eugene Sierakowski, Chairman
Susan Shanbaum

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

Time Convened: 7:37 P.M.

NEW BUSINESS:

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zone Regulation
Changes at Article II Sections 10.01.05, 10.04.01, 11.02.11, 12.02.10, 23.01.05 & 23.04.07(T-502)

Mr. Prause said it is good to have above business apartment uses. There has been a hole in the mixed housing options since April and the overall idea of this regulation is to provide for a mix.

Mr. Kidd agreed that this is a good change to the regulations. All the Commission wanted to do was take out the ambiguity; this strengthens the regulation.

Mr. Diminico wondered if the requirement of 100' for landscaping could be limiting.

Mr. Pellegrini explained that the 100' equals a 10' x 10' area for each unit. He doesn't think it would be particularly onerous, but may add to the cost of construction if land is not available. The Commission could eliminate this requirement, but it was included because it was in the previous regulations. Areas such as courtyards, roof gardens, and balconies would fulfill the requirement.

Mr. Dougan said he wouldn't want to discourage a developer and wondered if the Commission should think about reducing the number.

Mr. Diminico said the intent is well founded and thought the requirement should be left in. There is a mechanism for review so he would prefer leaving it at 100'.

In response to a question from Mr. Kidd, Ms. Bertotti explained that in the Special Design Commercial zone, the Commission is allowed, through a very specific way, to reduce the landscaping requirement.

Mr. Pellegrini added that the Historical Zone has a broad statement to the effect that the requirement can be waived or reduced. The intent in that area is adaptive reuse of existing buildings so land is often at a premium. Mr. Pellegrini suggested revisiting this portion of the regulations at a later date if the Commission determines the 100' requirement is unacceptable.

Mr. Kidd said he leans toward leaving the requirement in and including it in the list of things to discuss at a later date. Mr. Diminico agreed.

Zone Regulation Changes at Article II Sections 10.01.05, 10.04.01, 11.02.11, 12.02.10, 23.01.05 & 23.04.07 (T-502)

MOTION: Mr. Kidd moved to approve the zoning regulation amendments as presented, to become effective at the end of the appeal period. Mr. Prause seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendments: Article IV, Section 20.01.03 (T-504)

Mr. Prause said this is a good idea because it is applicable to unseen circumstances in development, and a valuable tool to have in our regulations. Mr. Pellegrini said Mr. Brown made the following editorial suggestions during the public hearing, that the title of "Director of Neighborhood Services and Economic Development" be replaced by "Director of Planning" and that the words "or building architecture" be added after "approved site development plan" in the fourth line from the bottom of the amendment. Mr. Dougan and Mr. Kidd agreed with the proposed editorial changes to the amendment.

MOTION: Mr. Kidd moved to approve the zoning regulation amendments with the modification to replace "Director of Neighborhood Services and Economic Development" with "Director of Planning" and to insert the words "or building architecture" after "approved site development plan", to become effective at the end of the appeal period. Mr. Dougan seconded the motion and all members voted in favor.

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

Attorney Steven Basche spoke on behalf of the applicant, who is asking for approval of an extension of an erosion control plan. Town staff has reviewed the request.

Ms. Bertotti explained that the applicant submitted a map showing silt fence along the north side of the premises as well as several material piles containing various types of material. The map shows materials in 14 lots. The applicant provided a construction sequence that outlines the intent of removal and the intent of finishing the project. A letter received by the Planning Department indicates the same hours of operation as requested for the originally approved extension. The staff has reviewed the application, provided comments regarding inconsistencies in the plan and the detail sheet, and requested revised plans.

Ms. Bertotti relayed the comments of the Environmental Planner, who recommended the developer submit revised plans for review. He recommended inlet control devices and the applicant agreed. The Environmental Planner requested progress reports be provided after each rain event larger than 0.5 inches.

Ms. Bertotti relayed the comments of the Zoning Enforcement Officer who said there are three construction entrances with aprons at three lots, but the whole site will need aprons at some point. The Zoning Enforcement Officer asked for start and completion dates of lot development and was answered that development will begin in the spring of 2010.

Ms. Bertotti said if the Commission proceeds with approval, Town staff recommends conditions pertaining to the hours of excavation and pneumatic work.

Mr. Diminico said considering the history of this project and the unresponsiveness of the applicant, he would like to see a time deadline put on the requested rain event report. The Commission needs to keep a tight reign on this project.

Mr. Dougan thought Mr. Diminico made a good point. He wondered what would be reasonable and what is involved in the progress report.

Mr. Kidd said he would support some language that requires a report within 48 hours of a rain event as described by the environmental planner.

Mr. Prause said the Commission is missing information regarding construction aprons.

Ms. Bertotti said the applicant has responded in writing, but plans have not yet been received. The extension expires tonight; the applicant still has time, but an additional extension is required.

Attorney Basche said his client has responded to comments and has indicated he will provide a revised plan. If the Commission wants to wait until it has a plan to approve the extension, his client will agree to an extension.

Mr. Diminico asked if dialogue with the applicant has been last minute or if there has been discourse over the past six to eight weeks. Ms. Bertotti reviewed the communications between the applicant and the Planning Department. Mr. Diminico said he is looking for a complete package before making any decisions.

Mr. Dougan said a timeframe for the report after a rain event needs to be put into the conditions of approval. He would like advice from the Engineering Department and feedback from the applicant on this matter. He thinks the item should be tabled.

Attorney Basche said he will agree to an extension to the second meeting in February. He said he would like to discuss a condition about the operation of the excavator. He has a sense that the Commission is concerned with the type of operation such as crushing and blasting. He said he wondered if it is appropriate to carve out something to indicate digging for normal construction associated with residential houses, such as digging for foundations.

Mr. Dougan said excavating includes backhoe work to dig foundations. He knows that may be stifling for construction, but with the history of this project and the misery caused to the neighbors, the conditions need to be put in.

Mr. Prause said he is not clear on what controls are in place. In the past the controls have not worked. He said he would like to see more specifics.

Mr. Kidd said he likes the idea of keeping the approval tight. He is most interested in ensuring the language is consistent and there are restrictions on hammer use. He is in favor of tabling this

item to wait for more complete plans.

Mr. Diminico suggested that the applicant knows what the hours for excavation are and that the applicant should work around them. The history and track record of this development tell him that if no limits are set there will be complaints. He does not want to make things difficult, but there is no trust here. He is for keeping the restrictions; things need to be very structured.

Mr. Pellegrini summarized that Town staff would rework the language regarding the hours of operation to address the different types of activities.

Erosion Control Plan (S-217)

MOTION: Mr. Kidd moved to table action on this application until the February 17, 2010 meeting. Mr. Prause seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Ms. Bertotti distributed Excavation Permit Revisions to Commission members. They have been sent to the Town Attorney for review and will be discussed at the next meeting of the Planning and Zoning Commission.

Mr. Diminico would like to review the language in the generic conservation easement and Mr. Pellegrini said he would distribute it to members.

APPOINTMENTS TO CAPITAL REGIONAL PLANNING COMMISSION

MOTION: Mr. Prause moved to appoint Mr. Kidd as representative and Mr. Brown as alternate representative. Members Prause, Diminico, Dougan and Petrone voted in favor. The motion carried 4-0.

ELECTION OF OFFICERS

MOTION: Mr. Kidd moved to table the election of officers to the February 1, 2010 meeting. Mr. Prause seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:

No new applications.

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

I certify these minutes were adopted on the following date:

June 7, 2010
Date

Eugene Sierakowski, Chairman

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

OFFICIAL TAPE NO. 1065