

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 4, 2010**

ROLL CALL:

Members Present: Eugene Sierakowski, Chairman
Joseph Diminico, Vice Chairman
Andy Kidd
Eric Prause

Alternates: Anthony Petrone (sitting for U-50)
Horace Brown (sitting for O-53, J-57, F-149)

Absent: Kevin Dougan, Secretary

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

Time Convened: 7:05 P.M.

OLD BUSINESS:

OUTBACK STEAKHOUSE – 170 Hale Road – façade change – CUD Zone Final Plan modification (O-53)

Mr. Kidd said he familiarized himself thoroughly with this application and the public hearing on this item.

Mr. Pellegrini reminded the Commission that at a previous meeting members had a color photo representing the color changes. There was some concern over the accuracy of those colors and the applicant was asked to bring samples for Commission members to review.

Matthew Sousa, Proprietor, provided samples of the red, yellow and ivory his company would like to use on the exterior of the building.

In response to a question from Mr. Sierakowski, Mr. Sousa said what he provided are actual paint chip colors. In response to a question from Mr. Kidd, Mr. Sousa said the red will be used for the signage and the border between the yellow and ivory. Mr. Pellegrini confirmed the red will be used for the bulkhead area, the yellow for the main body of the building and the ivory for the trim and Mr. Sousa answered in the affirmative.

CUD Zone Final Plan Modification (O-53)

MOTION: Mr. Diminico moved to approve the exterior building modifications. Mr. Prause seconded the motion and all members voted in favor.

NEW BUSINESS:

UNITARIAN UNIVERSALIST SOCIETY – 153 Vernon Street West – connection of storm drainage to Town drainage system – Special Exception Modification (U-50)

Mr. Mark Peterson of Gardner & Peterson, represented the applicant. He explained that his client received approval for its site plan approximately one year ago. A stormwater drainage system modification application was made in October 2009. Since then, the applicant has been working with the neighbors regarding a drainage easement. The applicant is proposing to modify the drainage plan by redirecting stormwater from the parking lot to the existing storm water drainage system. This will require a minor change in the parking, shifting parking one space from east to west.

In response to a question from Mr. Diminico, Mr. Peterson explained that the last time this application was before the Commission, stormwater drained overland onto the neighbor's property, which was the pre-development pattern. The neighbor had concerns over this drainage and the applicant has found another way to discharge stormwater, but an easement from the neighbor was required. Both plans work, but this plan addresses the concerns of the neighbor, he said.

Mr. Bordeaux said there are no outstanding staff comments.

Special Exception Modification (U-50)

MOTION: Mr. Kidd moved to approve the special exception modification. Mr. Prause seconded the motion and all members voted in favor. Mr. Petrone sat for this item.

JPG PARTNERS – 95-99 Union Street – to grade property and build a home in upland review area – Inland Wetlands Permit (J-57)

Mr. Patrick Snow of JPG Partners, presented a wetlands permit application for 95-99 Union Street, which are two existing lots of record. He explained the orange line on the map represents the 100' upland review area. There is one house within the review area. Staff commented on plantings along the rear property line within a 10' x 40' strip adjacent to Union Pond. The applicant proposes to use a plant list approved by Town staff. Work beyond the flood control dyke will consist of minor grading and the removal of some brush. Mr. Snow said he agreed to remove the shed and provide fencing to the neighbor's satisfaction.

Mr. Bordeaux said he received revised plans on Thursday. Town engineering staff reviewed the plans and informed him that all comments have been adequately addressed. The Water and Sewer Department has outstanding comments associated with how utility connections are shown on the plans but did not object to approval with modifications. Mr. Bordeaux said he provided a memorandum with modifications for approval. He said he has been having ongoing discussions with the applicant regarding buffer plantings and recommends using the Lake Waramaug Buffer Planting list as a guide.

Mr. Sierakowski expressed concern that the Commission did not see the final landscaping plan.

Mr. Snow explained how he plans to install a 10' strip of plantings along both property lines on the lake side of the flood wall. Mr. Bordeaux explained that the area is currently vegetated with scrubby, low growth briars. The intention is to make the area more appealing and protect the lake from fertilizers and pesticides and provide for habitat. The planting list is an attempt to find a medium between aesthetically pleasing plantings and addressing wetland concerns.

In response to a question from Mr. Brown, Mr. Snow explained the landscaping will allow for views of the pond from the decks of the new houses, but will still protect the pond.

Mr. Brown said one statement says there will be no construction activity between the structure and the pond, but the plot plan talks about removing the existing shed. He asked if the shed will be removed and was answered in the affirmative.

Mr. Kidd said he was comfortable with Mr. Bordeaux's approval of the final planting plan. He wondered what would keep the new owner from ripping out the recommended plantings and putting in a row of something else. He suggested looking into a conservation easement for that 10' area.

In response to a series of questions from Mr. Prause, Mr. Snow said there will be two construction entrances. He said there is just enough turnaround room on Kerry Street and any soil that is independently stockpiled will be used or removed. A silt sock will be used to safeguard against erosion.

In response to a question from Mr. Brown, Mr. Snow said that any activity west of the dyke will drain away from the pond. Mr. Sierakowski said it seems to be the consensus of the Commission to let Town staff approve the plantings. Mr. Diminico said a conservation easement should be recorded on the land records. The Commission would need to decide what it would like to see in the easement. Mr. Snow asked if the concern is maintaining the original planting list and Mr. Diminico responded that he wants to be sure the plantings remain compatible to their original purpose. Mr. Sierakowski suggested Town staff work out the details of the planting list and include some language saying the plantings should be maintained in an environmental manner but not disturbed.

Inland Wetlands Permit (J-57)

MOTION: Mr. Diminico moved to approve the inland wetlands permit with the condition that a 10-foot conservation easement along the northern (rear) property line be planted and maintained using materials listed in the Lake Waramaug Buffer Planting list, or equivalent material approved by the Town's environmental planner. Mr. Kidd seconded the motion and all members voted in favor. Mr. Brown sat for this item.

FAIRWAY CROSSING LLC – 104 & 104A Glode Lane and 1769 Tolland Turnpike – construction of 46 residential units, site utilities, associated roadways, grading and landscaping – Inland Wetlands Permit (F-149)

Attorney Chris Stone of Chadwick & Stone, represented the applicant. He explained his client was proposing a development located in two towns, with 46 units in Manchester and 41 units in East Hartford. When the development was originally proposed, the Manchester inland wetlands regulations provided for a 50' upland review area. He said the original site plan was designed

around those regulations. Since then, the Town has changed its regulations to provide for a 100' upland review area. The applicant also mapped the wetland and found a more extensive wetland area than that shown on the Town's Wetlands and Watercourses Map. The plans submitted include nine units within the upland review area. At the previous meeting, there was some discussion about a conservation easement. He has spoken with his client, who is prepared to review and consent to a conservation easement.

In response to a question from Mr. Sierakowski, Mr. Pellegrini said the Town has a model conservation easement and this can be addressed as part of the wetlands approval. Mr. Diminico said he has not seen the model agreement, but wondered if it is specific enough to address the types of plantings, turf, shrubbery, and fertilizer to be used. Attorney Stone said he has not seen the document either, but does not want his client to be held to a higher standard than others. He asked the Commission to consider the application tonight with the condition of a conservation easement to be addressed during the site plan review.

Mr. Brown said he understands the logic of understanding the content of the easement. He asked about the geography of the applicant's property. Mr. Pellegrini said the applicant designed a plan that provides for a 25' border from the wetlands, a "no disturbance" zone. Attorney Stone said his client proposed markers 25' out from the wetland area, which would be the extent of the conservation easement.

Mr. Bordeaux explained that a conservation easement is different from the proposed open space. To the rear of five of these units in the upland review area is the proposed open space. The Commission would have to make a distinction between open space and the disturbed buffer. Open space can be mowed and landscaped, and pesticides could be used. The applicant originally proposed a 25' non-encroachment buffer, he said.

Mr. Everett Milam, project engineer, explained there are four areas of activity within the 100' upland review area. The first is along Ice Pond Road, which will be widened along the north side. Minor grading and the relocation of a guardrail will be needed to widen the road approximately four feet. The disturbed area will be reseeded and turf will be established. The second area is Glode Lane, which will be widened to 12 feet and become a paved service road for emergency vehicles.

Mr. Milam said the larger areas located within the wetland review area are in the main portion of the parcel. There are nine units located within the upland review area. Four units are adjacent to the wetlands and located in East Hartford. There is a trail system between the wetlands and the houses, and said work was already approved in this area. He said there are five units adjacent to the main wetland area located in Manchester. Mr. Milam said the 100' upland boundary goes through two or three of the units and the others are within the buffer.

Mr. Milam The applicant plans for a water quality basin with a storm sewer system directed to it. Water will be directed to a plunge pool and will flow to an outlet structure to a level spreader, and then will flow into the wetlands. He said there will be no scouring to the wetland area. Erosion control measures include silt fence and a gross particle separator before water will reach the water quality basin, he said.

The applicant will mark the 25' undisturbed upland review area of wetlands with 4 x 4 posts so residents are aware of the wetlands. He said the development will be operated by an association, which will provide another level of protection.

In response to a question from Mr. Diminico, Mr. Milam said the applicant is proposing markers delineating the wetlands. There will be minor grading and seeding if the area is disturbed. There are a few areas where grading will take place within the 25' area and the area will be protected with turf. In response to a question from Mr. Kidd, Mr. Milam said there will not be a disturbance all the way up to the wetlands. He said there is existing turf and vegetation and the non-encroachment markers will identify the wetlands for future use. In response to a question from Mr. Kidd, Mr. Bordeaux explained that based on the proposal, the 25' was a reasonable amount of space to be preserved without taking too much of the back yards of the units. The line of silt fence delineated on the map is located at the limit of clearing.

Attorney Stone said that in order to maintain consistency and preserve the wetlands area, there is a staging of treatment in this area. There is a 10' preserve, with the next 15' being disturbed as part of the development, then replanted. Then the area will be converted to the 25' no disturbance area.

Mr. Brown suggested for the sake of workable activity, the 25' should be established as a conservation zone. To the extent feasible, the applicant should maintain the existing vegetation. If activity is needed within that area, he said it should be returned to its natural state. Mr. Brown said he thinks it is more important to reserve the area over time and suggested the posts directly say that the area is a conservation zone.

Attorney Stone said he has no problems with Mr. Brown's suggestions. He requested that whatever conservation easement is used, the language apply only to the southerly portion of the property, not the buffer along the East Hartford property line.

Mr. Bordeaux stated there are no comments remaining from Town staff regarding the wetlands application.

Inland Wetlands Permit (F-149)

MOTION: Mr. Diminico moved to approve the inland wetlands permit with the condition that a conservation easement be located to the rear of units 21, 22, 23, 25, and 26 in the upland review area at a minimum of 25 feet from the wetlands. Mr. Brown seconded the motion and all members voted in favor.

RECESS:

The Planning and Zoning Commission took a brief recess at 9:04 p.m. and returned at 9:09 p.m.

ADMINISTRATIVE REPORTS:

2010 Work Program

Mr. Sierakowski noted the 2010 Work Program list provided by Town staff in the Commission members' packets. He asked if the excavation rules for subdivisions was close to complete.

Mr. Pellegrini said that Ms. Bertotti completed a draft which is in review and expects it to be on the agenda for the next meeting. Mr. Pellegrini explained that not everything the Planning Department is involved in is on the list. There are other activities going on within the department. He said the major project for the upcoming year is updating the Plan of Conservation and Development. He said he will be scheduling a workshop very soon to review the State Statutes and procedures. Mr. Pellegrini explained that his department is thinking of completing the process in quadrants of the community rather than separate pieces of the plan. He believes this will allow for more dialogue.

APPROVAL OF MINUTES:

November 2, 2009 – Public Hearing/Business Meeting

MOTION: Mr. Prause moved to approve the minutes as written. Mr. Kidd seconded the motion and all members voted in favor. Mr. Petrone sat for this item.

RECEIPT OF NEW APPLICATIONS:

GMRI, INC. – 350 Buckland Hills Drive – CUD Final Plan Modification (G-155) – remodel of Smokey Bones Restaurant to a Longhorn Steakhouse including relocation of entry to west side and minor modifications to locate handicap parking adjacent to entry.

TOWN OF MANCHESTER PUBLIC WORKS – 864 Middle Turnpike West and 325 Olcott Street – Inland Wetlands Permit (T-506); Erosion Control Plan (T-507); Special Exception Modification (T-508) – construction of new administration building, elevated scale and access roads at Manchester Landfill.

The chairman closed the business meeting at 9:43 p.m.

I certify these minutes were adopted on the following date:

March 15, 2010
Date

Eugene Sierakowski, Chairman

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

OFFICIAL TAPE NO. 1063, 1064