

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 7, 2010**

ROLL CALL:

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

Alternates: Horace Brown
Susan Shanbaum

Absent: Anthony Petrone

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

Time Convened: 7:00 P.M.

OLD BUSINESS:

APPROVAL OF MINUTES

January 20, 2010 – Public Hearing/Business Meeting

MOTION: Mr. Dougan moved to approve the minutes as revised and corrected. Mr. Diminico seconded the motion and all members voted in favor.

NEW BUSINESS:

RAYMOND WELNICKI – 43 Pondview Drive – Inland Wetlands Permit – request for extension to existing inland wetlands permit (W-139A)

Mr. John Fey of Honey Wagon Septic Tank Service, LLC represented the applicant to answer questions the Commission may have regarding the request to extend the time for the wetlands permit. Due to the wet season last year, Honey Wagon was unable to complete the work at 43 Pondview Drive. Because the activity is already under way and the permit is about to expire, the applicant is requesting an extension.

In response to a question from Mr. Prause, Mr. Fey said 80' of solid pipe was installed but then the work conflicted with the high water table. If he holds off on the project until the end of the summer, which is normally the dry season, the water table should drop down and he can proceed.

In response to a question from Mr. Diminico, Mr. Fey said there is 400' left to go. Last year it was wet all summer so the water table never lowered as he expected, he said. Under ideal conditions, there are four days of construction left, Mr. Fey said.

Inland Wetlands Permit – request for extension (W-139A)

MOTION: Mr. Dougan moved to approve an extension for six months, until December 15, 2010. Mr. Prause seconded the motion and all members voted in favor.

THRALL DESCENDANT'S TRUST – 40 Glen Road – resubmission of expired approved inland wetlands permit – Inland Wetlands Permit (T-513)

Mr. Andy Bushnell, Professional Engineer, spoke on behalf of the applicant. He was present last month on a preliminary basis to present a plan for a wash out near the school bus parking lot. He believes what he is presenting is the best solution. The previous plan extended a storm drain and multiple inlets from the existing outlet to the brook, but would have required filling in the entire washout area. The applicant has been unable to get enough suitable fill for this work. The current proposed route would install the system through the woods and around the washout area. A plunge pool level spreader would be installed at the outlet to contain erosion during construction.

The plan is to use a preformed scour hole to slow the velocity of the water. The plan would use the same outlet as previously approved, which is in the regulated area. The project will start at the outlet and work its way back, stabilizing the site as work is completed. There will be as little disturbance as possible. If the pipe system ever backs up, the water would overflow into a swale to be graded along the route of the drainage pipe. Rip rap and check dams will be used to promote infiltration. An oil/water separator will be used to catch contaminants that may wash off the lot. Once the new system is completed and stabilized, the upper section of the washout area will be filled and stabilized. The lawn part will be stabilized.

Ms. Bertotti said there are no outstanding staff comments.

Mr. Bordeaux explained the steep bank causes high velocity and a heavy storm may cause further erosion. Both the structure and the outlet need to be stable. The applicant has proposed a reasonable solution that will require very little maintenance over time, he said. He recommended the Commission place a one-year deadline on the work. The activity should begin as soon as possible, he said.

In response to a question from Mr. Diminico, Mr. Bushnell said no work will take place during the winter; the majority of the work will be accomplished between now and October. The bank should be stabilized before hurricane season, he said.

Mr. Prause said this seems like a good solution. He liked the idea of rebuilding and hydro seeding the bank. Mr. Prause asked if there is a plan to review how the swale and rip rap are working and whether there is a maintenance schedule.

Mr. Bushnell said that it could be a year or two before grass is established. This will have to be monitored longer than a typical project.

Inland Wetlands Permit – request for extension (T-513)

MOTION: Mr. Dougan moved to approve the request for extension of the inland wetlands permit for one year, until June 7, 2011. Mr. Prause seconded the motion and all members voted in favor.

RESOLUTION TO CALL STANDBY LETTER OF CREDIT DHB-1: - Holcombe Hills Subdivisions

Mr. Pellegrini said this subdivision was approved on Bush Hill Road in September 2004 and the time to complete the public improvements expired in September of 2009. A bond was posted in the form of a letter of credit and lots were sold. During the course of the development, the original developer went out of business, and the lender inherited the project. It has been past practice that when a subdivision is approaching expiration, the developer be given the option of completing work or requesting an extension. In July, 2009, the applicant requested an extension. At this point, there were two problems: 1) certain work that needed to be completed was not yet completed; and 2) certain work that had been completed was unacceptable. The Town was working with the lender to resolve these matters. Because there was a disagreement on how to correct existing defects, the lender hired an engineering firm to review the work and make recommendations for remedial action. The report was received in September 2009. The Engineer's recommendation was to reconstruct all defective construction, which would cost about \$500,000. The Town's Engineering Department thought that was an excessive approach.

The Town currently holds a bond for \$222,000, which is not enough to carry through with the engineering firm's recommendation. The Town hired another engineering firm to conduct a peer review of the lender's engineer's report. An alternative was recommended that included resetting curbing, reconstructing the deteriorated paving, and stabilizing the rest of the site. The estimated cost to complete this work was more in line with the amount of the letter of credit. During discussions between the lender/developer and the Town, the lender/developer claimed their letter of credit had expired; the Town's opinion is that it is still active. There is also a disagreement over who should do the work. Discussions were ongoing and the Town felt the two parties were reaching an agreement.

Mr. Timothy O'Neil, Assistant Town Attorney, explained that the Town has had three or four meetings with the lender/developer, which is the same bank that issued the letter of credit. It looked like the two parties were ready to come to a resolution, but suddenly all communications stopped. He said the Town was now at the point of calling the letter of credit. Attorney O'Neil and three other attorneys he consulted agree that the letter of credit is still active. In order for the Town to call the letter of credit, a resolution approved by the Planning and Zoning Commission is required. Attorney O'Neil said he fully anticipates the bank will deny the request and we will go to litigation. He is confident the court will uphold the letter of credit.

There was some discussion over the amount of the letter of credit, the date of the foreclosure, the number of lots sold, when the problems became known, and whether it is legal to build on the lots.

RESOLUTION OF THE MANCHESTER PLANNING AND ZONING COMMISSION

BE IT RESOLVED by the Manchester Planning and Zoning Commission that the conditions set forth in a letter Dated October 18, 2005 from the Town of Manchester to Felipe Martins of Distinctive Home Builders, LLC regarding the Holcombe Hills subdivision have not been fulfilled.

MOTION: Mr. Diminico moved to approve the resolution to call standby letter of credit DHB-1 for the Holcombe Hills Subdivision. Mr. Sierakowski seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Discussion on Design Overlay Zone Expansion

Mr. Sierakowski said he asked that this item be added. He explained that a house on Main Street that is a residence with a business had its porch hit by a car. The property owner is rebuilding and Mr. Sierakowski noticed that rather than rebuilding what was originally there, the owner has chosen to enclose the porch. He said the overlay zone does not extend to this property, and he asked other Commission members their thoughts on maintaining the original character of the home in a Residence C zone.

Mr. Dougan wondered why the Commission would prohibit the property owner from enclosing the porch. Mr. Sierakowski responded that the character would remain the way it was when approved for business use.

Mr. Pellegrini reviewed that the last time the Commission extended the Overlay Zone the proposed areas were located in business zones. The Commission decided to look at a corridor approach to expansion of the Overlay Zone and agreed to discuss where to extend the overlay zone as part of the update of the Plan of Conservation and Development.

Ms. Bertotti explained the property Mr. Sierakowski was referring to had a variance and there is nothing requiring oversight. It is across the street from an area within the Design Overlay Zone. In response to a question from Mr. Brown, Ms. Bertotti said the property owner could enclose the porch if it meets building setbacks and the owner obtains a building permit.

Mr. Prause commented that in the past the Commission has shied away from Design Overlay for residential units.

Mr. Brown said the Plan of Conservation and Development should be the first priority, but the Commission could have a workshop discussion at the end of a meeting regarding this issue. However, he does not think the Commission can have a truly in-depth discussion unless a lot of good preparation work is done by staff in advance of that discussion, which will detract from Town staff's time spent on the Plan of Conservation and Development.

Mr. Pellegrini suggested holding a workshop where the Commission would look at maps and identify areas where the Overlay Zone would make sense. That would be the easy part. The Commission would have to hold a public hearing to amend the regulations. This does take a lot

of staff time and the Commission will have to prioritize which corridors to consider adding the design overlay zone to.

Ms. Shanbaum said it made sense to look at corridors rather than just certain businesses or zoning district.

Mr. Brown understands the intent is to be concerned with the overall style and architecture of the buildings and thinks it is wrong to be concerned with just old residences. He thinks the corridor concept is far better.

Mr. Diminico agreed with Mr. Brown and said he would like to get public input on which corridor to act on and wondered if this matter could be one of the discussion items in each of the plan of development quadrant meetings. The PZC members agreed to this approach.

APPROVAL OF MINUTES:

February 17, 2010 – Public Hearing/Business Meeting

March 15, 2010 – Business Meeting

April 7, 2010 – Public Hearing/Business Meeting

April 19, 2010 – Business Meeting

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

RECEIPT OF NEW APPLICATIONS:

SPEED OF SOUND, LLC – 90 Buckland Street – Inland Wetlands Permit (S-219); Special Exception (S-220); Erosion Control Plan (S-221) – development of site as a Sonic drive-in restaurant with parking and grading.

JAMES GEYER – 20 Reed Drive – Inland Wetlands Permit (G-157) – installation of 10' x 16' shed in wetlands.

DIALYSIS CLINIC, INC. – 315-319 Main Street – Special Exception (D-134) – special exception under Article II Section 9.14.02(b) for parking in excess of 60 spaces.

BOB'S STORES – 230 Hale Road – CUD Zone Final Plan Modification (B-297) – tent sale event from June 24 – July 6, 2010.

RAYMOND WELNICKI – 43 Pondview Drive – Inland Wetlands Permit – Request for Extension (W-139A)

WILLIAM HOCH – 35 Dale Road – Inland Wetlands Permit (H-200) – request to fill 20' x 40' of wetlands.

525 WEST MIDDLE TURNPIKE ASSOCIATES LIMITED PARTNERSHIP – 515 Middle Turnpike West – Inland Wetlands Permit (F-157); Erosion Control Plan (F-158); Special

