

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
MARCH 15, 2010**

ROLL CALL:

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

Alternates: Horace Brown (sitting for T-505)

Absent: Anthony Petrone
Susan Shanbaum

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: 7:04 P.M.

OLD BUSINESS:

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Map
Amendment – Design Overlay Zone (T-505)

Mr. Sierakowski said this item was continued from a previous meeting. The staff provided a motion to reflect the discussion at the previous meeting as to which properties to consider for the overlay zone. The properties to be included are either contiguous or surrounded by properties already subject to design review by special exception. Six properties were removed from the original proposal: 116 Adams Street, 307 Highland Street, 699 Middle Turnpike East, 336 North Main Street, 330 Tolland Turnpike and 1046 Tolland Turnpike.

Mr. Brown suggested there may be value in looking at why neighborhood business zones are included in design overlay but not general business zones. Overall, it is desirable to have some design control within the business area and he suggested looking at this at some point in the future.

Mr. Diminico concurred. He recalled that during the last discussion he mentioned this action will be a starting point. He would like to look at the general business zone and Main Street and have another public hearing at a later date.

Mr. Prause said design overlay zones are traditionally used in specific areas with a common theme. If the Commission goes in this direction, it is requiring things of individual businesses that it is not requiring of surrounding properties. He thinks the Commission is being unfair

singling out businesses when the original intent was to restrict apartments above businesses. This amendment creates a patchwork without consistency. He would like to start over by looking at certain areas of Town.

Mr. Diminico recalled that North Main Street came up at the last meeting. This one street has six different zones; this is the perfect area to start. This overlay is not targeted just at businesses; it is just a starting point and will be expanded.

Mr. Prause agrees that North Main Street would be a good area to begin with. This amendment has over 20 streets included in it, creating a patchwork. If this amendment passes, we will never get to a point with true overlay design districts. He believes the Commission needs to go back and start over.

Zoning Map Amendment – Design Overlay Zone (T-505)

MOTION: Mr. Diminico moved to approve the zoning map amendment as described in a memorandum from Renata Bertotti dated March 9, 2010. Mr. Kidd seconded the motion. Members Diminico, Kidd, Sierakowski and Brown voted in favor; member Prause voted against. The motion passed 4-1.

NEW BUSINESS:

TOWN OF MANCHESTER – 550 Lydall Street – Inland Wetlands Permit/Determination of Significance (T-509); Subdivision (T-510) – two lot residential subdivision; Erosion Control Plan (T-512)

Mr. Pellegrini explained the Town has an agreement whereby the Town would create two building lots in exchange for about 19 acres of watershed land. The Commission made a positive referral on February 1, 2010 to the Board of Directors regarding this exchange. Mr. Pellegrini showed where the two building lots would be at the end of Overlook Drive. The lots meet the requirements of a Residential M zone; public sanitary sewers are available and water is private. A small portion of the Town property has been carved out and will be transferred to the owner of 101 Overlook, which will give minimum frontage to allow for a building lot to the rear.

The two building lots for development are abutted to the west by a wetland area which consists of poorly drained soil. These two lots are at the downstream end of the wetland area. A dashed blue line on the map indicated the 100' upland review area. There will be some work within the 100' upland area, but not in the wetland itself, he said. The work will involve digging a trench to connect to the sanitary sewer as well as some grading. Cuts will be made on the easterly side and filled on the westerly side.

Mr. Pellegrini said a dark green area on the map indicated the limit of clearing. All work will be kept to the front portion of the properties to accommodate house lots. The amount of area to be disturbed is 0.2 acres. Erosion control measures include silt fence and tracking aprons on driveways. Work will involve site grading and temporary disturbance for utility work. The disturbed area will be stabilized after work is completed.

There were some questions regarding blasting. According to a report received from the engineer, blasting is not anticipated. If it were to be required, the contractor would need to obtain the necessary permits.

Ms. Bertotti said two outstanding staff comments remain, but they are minor and technical in nature.

Inland Wetlands Permit/Determination of Significance (T-509)

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

Inland Wetlands Permit (T-509)

MOTION: Mr. Diminico moved to approve the inland wetlands permit with modifications contained in staff memoranda from Nick Francione to Renata Bertotti, dated March 9, 2010 and Matthew R. Bordeaux to Renata Bertotti dated March 15, 2010 for a five (5) year term and all regulated activity is to be completed within two (2) years from the start of construction. Mr. Prause seconded the motion and all members voted in favor.

Subdivision (T-510)

MOTION: Mr. Kidd moved to approve the subdivision plan. Mr. Diminico seconded the motion and all members voted in favor.

Erosion Control Plan (T-512)

MOTION: Mr. Kidd moved to approve the erosion control plan with modifications contained in staff memoranda from Nick Francione to Renata Bertotti, dated March 9, 2010 and Matthew R. Bordeaux to Renata Bertotti, dated March 15, 2010. Mr. Diminico seconded the motion and all members voted in favor.

EVERGREEN CROSSING, LLC – 325 New State Road – PRD Preliminary Plan of Development Modification (E-46A) – request to remove a condition of the approval

Attorney John Mallin spoke on behalf of the applicant. On February 18, 2009, the Commission approved the Broad Leaf Project with a condition that it be a condominium project. The applicant is requesting this condition be removed because of significant and uncontrollable events. The applicant has diligently and exhaustively sought financing for this project and has found that financing for condominium projects is not available due to the economic conditions affecting the economy. Mr. Mallin said the applicant has found that financing is available for multi-family rental properties. He explained the project still meets multi-family provisions and there will be no changes to the plans themselves. He asked that the Commission keep in mind the additional housing, jobs, and increased tax base when making its decision.

Mr. Sierakowski said he understood the change in the marketplace. A variety of projects have been put on hold until the market improves, but the Commission approved this development with the condition that it include condominiums and he felt that decision should stand.

Mr. Prause thinks the Commission should reconsider given the situation. He wondered what the difference is between condominium and rental property. On the surface, there really is no difference in impact to the Town. It is inconsistent to deny this request. The Redevelopment Agency is looking at the Parkade and suggesting rental property there. He is of the opinion that the condition be removed. Mr. Prause pointed out that this property may sit vacant, depriving the Town of building and construction fees as well as new residents who will be customers to area businesses. Apartment dwellers pay taxes as do the owners of the apartment complexes.

Many people that initially move into rental property eventually become homeowners in town. He pointed out that five of the top ten taxpayers in Town are apartment complexes.

Mr. Dougan voted for the condition as offered by the applicant when this project was originally approved and he doesn't see where anything has changed. The Town wants to encourage owner occupancy. He does not think the Commission should remove the condition at this time.

Mr. Kidd agreed with Mr. Dougan. The application was initially denied and the applicant came forward with this condition. He reaffirms his original vote and does not wish to change the condition.

Mr. Diminico has mixed feelings. The Commission acted on what the applicant presented. This action is substantially different from what was presented and he would feel comfortable with a public hearing on this matter.

PRD Preliminary Plan of Development Modification (E-46A)

MOTION: Mr. Dougan moved to deny the proposed PRD Preliminary Plan of Development Modification. Mr. Kidd seconded the motion. Members Diminico, Kidd, Sierakowski and Dougan voted in favor; member Prause voted against. The motion passed 4-1.

MANDATORY REFERRAL – Acquisition of 387 Porter Street (MR-1002)

Mr. Pellegrini explained 387 Porter Street abuts Highland Park School on its western side and is approximately 3.7 acres. There is a single family house on the property. The Town would purchase the rear 3± acres adjacent to the school to maintain an open buffer and perhaps accommodate future school needs. The Land Acquisition committee supported this acquisition.

Mr. Pellegrini explained there is a small storage shed that extends onto the property about 5'. The solution was to have the current owner draw a lot line around the shed and convey that property to the shed owner.

Acquisition of 387 Porter Street (MR-1002)

MOTION: Mr. Prause moved to make a favorable recommendation to the Board of Directors for the acquisition of 387 Porter Street because the action meets the criteria of land acquisition policies and guidelines. Mr. Dougan seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Earth Excavation – crushing and/or processing of rock or earth material in approved subdivisions – hours of operation

Ms. Bertotti distributed a revised draft based on the discussion held by the Planning and Zoning Commission on February 17. This draft includes language that allows for hours of operation to be requested on the application and enables the Commission to change the hours as part of the approval process.

Mr. Diminico expressed concern over the use of the word “stricter.”

Ms. Bertotti suggested changing the word to “modify.”

It was the consensus of the Commission to send this to CRCOG as is, with the change in wording from stricter to modify.

APPROVAL OF MINUTES:

December 16, 2009 – Business Meeting

MOTION: Mr. Prause moved to approve the minutes as submitted. Mr. Brown seconded the motion and members Dougan, Diminico and Sierakowski voted in favor. Mr. Kidd recused himself from voting.

January 4, 2010 – Business Meeting

MOTION: Mr. Diminico moved to approve the minutes as submitted. Mr. Kidd seconded the motion and members Sierakowski, Prause and Brown voted in favor.

RECEIPT OF NEW APPLICATIONS:

EVERGREEN CROSSING, LLC – 325 New State Road – PRD Preliminary Plan of Development Modification (E-46A) – request to remove condominium project condition from its approval of February 18, 2009 through administrative approval.

MANUEL FERNANDES – 612 Keeney Street – Inland Wetlands Permit (F-156) – request to clear land and create pond in wetlands area.

WILLIAM HOCH - 964 Middle Turnpike East – Inland Wetlands Permit H-199; Erosion Control Plan H-200 – site plan approval for single family home and associated grading.

The chairman closed the business meeting at 8:40 p.m.

I certify these minutes were adopted on the following date:

June 21, 2010

Date

Eugene Sierakowski, Chairman

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

OFFICIAL TAPE NO. 1074