

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JULY 6, 2011**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Eric Prause
Horace Brown

Alternates: Anthony Petrone (sitting)
Susan Shanbaum (sitting)
John Chaput

Absent: Kevin Dougan, Vice Chairman
Andy Kidd, Secretary

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

Time Convened: 7:06 P.M.

NEW BUSINESS:

SPEED OF SOUND – 90 Buckland Street – for changes to original landscape plan in a General Business zone – Special Exception Modification (2011-011)

Mr. Robert Mesite, Speed of Sound, explained that he is requesting an amendment to the landscaping plans for the Sonic Restaurant on Buckland Street. The reason for the change is there are just too many plantings in the original plan. When the plants are all laid out, they are too crowded. There are 340 perennials, in addition to trees and bushes. He is requesting that the number of plants be reduced by 40%. Mr. Mesite said his landscaper told him the plants will be too tight and some may not survive. He asked the Commission to accept the plantings that are currently on site. He submitted photographs to the Chairman of the current state of the landscaping. All trees were preserved and have been pruned. As the bushes grow, they will get bigger and wider. If all plants on the original plan were to be planted, it would double what is in the pictures he submitted.

In response to a question from Mr. Diminico, Mr. Mesite said the architect copied the landscape plan from the Wallingford location. He said no one realized that we didn't need as many plants. If all of the plants are put in, the site will look cluttered.

Mr. Diminico said when Mr. Pellegrini contacted him to look at the amendment request, he thought 40% was a considerable reduction and wanted to bring it to the Commission. What concerned him is that a landscape architect designed the original plan and he finds it difficult to believe a landscape architect would lay out a plan that was too dense.

Mr. Mesite explained that even when building things change and modifications are made to the building, the landscaper says the original plan looks good on paper but doesn't work. He said he has to respect his landscaper. He wants to be sure he doesn't have dead plants on the property. The irrigation system will not be able to water all of those plants.

In response to a question from Mr. Brown, Mr. Mesite said he has to assume that a registered landscape architect did the plan. He dealt with an engineer at BL Companies.

Mr. Pellegrini noted that the original plans were designed by a registered landscape architect.

In response to a question from Mr. Brown, Mr. Mesite said all plant materials called for in the amended plan are in the ground. Mr. Brown said he thinks it looks very thin.

In response to a question from Ms. Shanbaum, Mr. Mesite said the area where the dirt is has been completely redone. There was a water run-off problem from Buckland Street. The bare spaces will be grass. He said the Zoning Enforcement Officer will count the plants, and if something is missing, it will need to be planted before he is issued a Certificate of Occupancy.

In response to a question from Mr. Prause, Mr. Mesite said he asked for a letter from the landscaper but has not yet received it. His contact at BL is on vacation. He said he is not here to "pull a fast one" but doesn't want to have to keep replacing plants.

In response to a question from Mr. Prause, Mr. Mesite said Brian from BL said he could go with fewer plantings. After that, he got the landscaper involved.

Mr. Diminico noted that a landscaper is not a landscape architect. In the trades, the builders and architects do not always agree; it is the same with landscape architects and landscapers. He asked if the modified plan has a stamp of a landscape architect. Ms. Bertotti answered in the negative.

Mr. Diminico said he understands Mr. Mesite is under a lot of pressure and business is booming. He noticed there are no evergreens in front of the signs; the only thing left is ornamental grasses, which will leave the front bare. A landscape architect knows how to provide color throughout the year. The original plan was stamped by a landscape architect; the modified plan is not. Mr. Diminico thinks it would be best if the applicant had a plan designed by a landscape architect and if the applicant would bring the architect to a meeting.

Mr. Mesite said the engineer at BL is very thorough; he doesn't know why the plan is not stamped. He doesn't think the evergreens were on the original landscape plan either. This request is about reducing plants and perennials.

Mr. Diminico suggested tabling this item. He said if a landscape architect says this plan is sufficient, then that is acceptable. If the plan is not stamped by a landscape architect, it is basically a plan based on what the landscaper recommended. He said this restaurant is in a very visible location, and he wants to make sure this is done correctly.

Mr. Prause said the plan has been reviewed by a landscape engineer. He reminded his colleagues that perennials will grow more each year.

Mr. Brown says he understands the dilemma. All of us want the site to look good over time. There is excellent landscaping along Buckland Street and he hopes it will be replicated in the area. Even the original plan had very few evergreen materials. He noted 53 sea green junipers on the original plan and only 28 on the amended plan; that is a big reduction. Mr. Brown walked around the property and thought the landscaping looked sparse. He thinks it should be enhanced but doesn't want to be unfair about it.

Mr. Petrone agrees with Mr. Prause that the plants will grow in. He has the opportunity to drive by the Wallingford location and thinks it looks great. In Manchester, the plants will grow in and adding more will make it look cluttered.

Ms. Shanbaum said she is a plant lover and doesn't think there can be too many plants. She noted the number of day lilies was cut from 100 to 15; that is a tremendous reduction. She thinks the current layout looks sparse.

Mr. Mesite said the Wallingford site looked sparse when it was just planted, but now it looks great. If he sees it looks sparse in Manchester, he will put more plants in.

Mr. Pellegrini said the applicant's 65 days doesn't expire until September. The Commission does not have to act and can table this application. That will allow members to look at the site and get more information on the plans. It will also allow the applicant time to bring in testimony. Sonic is already open. The Zoning Enforcement Officer will know the application is before the Planning and Zoning Commission; taking the time won't hurt anything.

Mr. Brown said it is quite clear that neither the landscaper nor the owner prepared the modified plan. It had to have been done by the company that did the original plan. The question is whether it was done by a landscape architect or someone else. It would be helpful if Commission members could see the property.

Mr. Mesite said he is currently without a Certificate of Occupancy. He might have no choice other than go with the original plan. The plantings are holding up his C.O., which is a problem for the bank. The C.O. is holding up many things, and he doesn't have the luxury to wait.

Mr. Diminico can empathize with the applicant's situation, but he doesn't want to rush into a decision. In the end, he may go to the site a year from now and be unhappy with the Commission's decision. Mr. Diminico would feel better if he had a plan stamped by a landscape architect. He asked if there is a way to approve the proposal with a condition that the landscape architect come to the next meeting with the modified plans stamped.

Mr. Pellegrini said the Commission can't make a decision and have it validated two weeks later. The issue is whether the Commission will approve a reduction in the amount of plant materials. He and Mr. Diminico felt this is more than a minor change and could not be decided with an administrative review.

Mr. Prause asked if the application requirements demand a stamp from a landscape architect. Ms. Bertotti said the stamp goes on the Mylar.

Special Exception Modification (2011-011)

MOTION: Mr. Prause moved to approve the special exception modification. Mr. Petrone seconded the motion and Mr. Brown voted in favor. Mr. Diminico and Ms. Shanbaum voted against the motion. The motion passed three to two. The reason for the approval was the modification meets special exception criteria.

TOWN OF MANCHESTER – 340 Broad Street – for demolition of Parkade buildings and removal of the parking lot in a General Business Design Overlay zone – Inland Wetlands Permit – Determination of Significance (T-540); Inland Wetlands Permit (T-540); Erosion and Sedimentation Control Plan (T-541)

Mr. Derrick Gregor, Design Engineer, said the Parkade consists of four parcels that make up eighteen acres. The Town of Manchester recently purchased the Parkade per a recommendation from the Redevelopment Agency as part of a mixed-use redevelopment plan. Currently the site is primarily made of an impervious surface. On-site drainage runs to the Bigelow Brook. This application is to remove the blighted buildings in order to enhance the marketability of the property.

Mr. Gregor said the projected schedule will begin with Phase I, which will consist of hazardous material abatement in the buildings and will take place beginning in August or September and last for about three months. Phase II will be completing the exterior hazardous material abatement and removal of the structures. Phase II is expected to start in November and last about four to six months. Phase III is site restoration. The project will be completed by contractors with oversight by Town staff.

Mr. Gregor oriented Commission members on the map he displayed. A temporary chain link fence will surround the entire perimeter of the site. Silt sacks will be placed in catch basins and a double row of silt fencing will be placed near the brook. There will be two construction entrances. Two buildings will be demolished; one is 71,000 square feet and the second is 190,000 square feet, which is about six acres of building area. On the map, the area shown in green is existing pavement that will be removed. Loam and seed will be placed in this area. The concrete light pole bases will be removed from the parking lot. The area outlined in yellow is a staging area for work to take place on Broad Street. No work will be done in the brook or wetlands. There will be 76,000 square feet of disturbance within the 100' upland review area. The project will eliminate a total of 2.2 acres of impervious area and bring six acres of buildings to concrete pads.

In response to questions from Ms. Shanbaum and Mr. Brown, Mr. Gregor confirmed the concrete pads will remain. The idea is to make the site more appealing to a potential buyer. The work needed to remove the concrete pads is expensive and intended to be left for a developer. Removing the buildings will improve the aesthetics.

Mr. Pellegrini explained that this shopping center was built before Manchester had wetlands regulations. The work being completed will actually improve conditions. As indicated in his memorandum, Mr. Bordeaux is of the opinion that there is no risk to the brook itself.

Inland Wetlands Permit – Determination of Significance (T-540)

MOTION: Ms. Shanbaum moved to find the proposed activity would not cause a significant impact to the wetlands and will not require a public hearing. Mr. Brown seconded the motion and all members voted in favor.

Inland Wetlands Permit (T-540)

MOTION: Mr. Prause moved to approve the inland wetlands permit for five years with work within the wetlands and wetlands upland review area to be completed one year from the beginning of construction. Ms. Shanbaum seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (T-541)

MOTION: Mr. Brown moved to approve the erosion and sedimentation control plan. Mr. Petrone seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PUBLIC WORKS DEPT. – 501 North Main Street – for road reconstruction, storm drainage improvements between Stock Place and North Street – Inland Wetlands Permit – Determination of Significance (2011-004); Inland Wetlands Permit (2011-004); Erosion and Sedimentation Control Plan (2011-005); Flood Plain Permit (2011-006)

Mr. Derrick Gregor, Design Engineer, explained this project is a roadway reconstruction project under DEP review. He oriented the Commission on the map. The plan is to reconstruct 1,500 square feet of North Main Street. This will allow for a uniform road with 11-foot travel lanes and five-foot shoulders. The intersection of Union Street and North Main Street will be reconfigured and a traffic signal will be added. Safety improvements will be made, including providing for better sight distances. There will be new drainage as well as upgrades to the existing drainage. The intent is to pull back the outfall about 25 feet and create a new flared end. That leaves room to put in a rip rap scour hole and additional scour protection to prevent continued erosion. There will be approximately 750 square feet of wetlands impact and approximately 1,400 square feet of impact within the 100' regulated area. This work is not within the flood plain. A double row of silt fence will be installed in the area near the Hockanum River for added protection. Silt sacks will be installed in all catch basins. Construction entrances will be placed at the access points. This project will be administered and inspected by Town staff. All disturbance in off road areas will be loamed and seeded and disturbances within the wetland areas will be reestablished. The project is intended to improve safety along North Main Street, including improved sight lines, improved traffic flow at the intersection with Union Street, replacement of deteriorated sidewalks and upgraded drainage systems and associated outfalls.

In response to a question from Mr. Diminico, Mr. Gregor said construction will last about one year. The work in the wetlands will take place during the dry season next summer.

In response to a question from Mr. Prause, Mr. Gregor said a public informational meeting was held and people in the area are aware of the improvements being made.

Ms. Bertotti noted a memorandum from Mr. Bordeaux that indicated he is of the opinion that the activity will have no significant impact and, in fact, will result in long term improvements.

Inland Wetlands Permit – Determination of Significance (2011-004)

MOTION: Mr. Brown moved to find the proposed activity would not cause a significant impact to the wetlands and will not require a public hearing. Mr. Petrone seconded the motion and all members voted in favor.

Inland Wetlands Permit (2011-004)

MOTION: Mr. Brown moved to approve the inland wetlands permit for five years with work within the wetlands and wetlands upland review area to be completed one year from the beginning of construction. Mr. Petrone seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (2011-005)

MOTION: Ms. Shanbaum moved to approve the erosion and sedimentation control plan. Mr. Prause seconded the motion and all members voted in favor.

Flood Plain Permit (2011-006)

MOTION: Mr. Petrone moved to approve the flood plain permit. Ms. Shanbaum seconded the motion and all members voted in favor.

MCKEE BROTHERS, LLC – 435 West Center Street – for outside storage of materials in block structures in an Industrial zone – Special Exception (M-395) – Request for extension

Special Exception (M-395) – Request for Extension

MOTION: Mr. Brown moved to grant a 60-day extension for this application. Ms. Shanbaum seconded the motion and all members voted in favor.

131 PARK STREET, LLC – 131 Park Street – to create a rear lot to construct two houses in a Residence B zone – Special Exception (O-54) – Request for extension

Special Exception (O-53) – Request for Extension

MOTION: Ms. Shanbaum moved to grant a 65-day extension for this application. Mr. Prause seconded the motion and all members voted in favor.

At 8:45 p.m., the Planning and Zoning Commission decided to recess the Business Meeting to address a public hearing item that was postponed earlier in the meeting.

The Planning and Zoning Commission resumed the Business Meeting at 9:05 p.m.

GERBER CONSTRUCTION – Collingridge Drive – to crush rock on lots 38, 39, and 40 in an approved subdivision in a Residence AA zone – Special Exception (G-158)

In response to a question from Ms. Shanbaum, Ms. Bertotti said she did not receive any comments on this application from neighbors.

Mr. Prause said he had some concern with limiting the number of days to one week in case of equipment failure.

Special Exception (G-158)

MOTION: Mr. Prause moved to approve the special exception modification with the conditions that the hours of the crushing operation are 8:00 a.m. to 5:00 p.m., the operation be completed 10 business days after the start of crushing, and no work shall be conducted on Sundays. Mr. Petrone seconded the motion and all members voted in favor. The reason for the approval was the proposed location and operation meet regulation requirements.

APPROVAL OF MINUTES:

April 4, 2011 – Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Mr. Prause seconded the motion and all members voted in favor.

May 16, 2011 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Ms. Shanbaum seconded the motion and all members voted in favor.

June 6, 2011 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Ms. Shanbaum seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:

TOWN OF MANCHESTER PUBLIC WORKS DEPT. – 99 Edgerton St. & 39 Lodge Dr. –
Inland Wetlands Permit – Determination of Significance (2011-009); Inland Wetlands Permit
(2011-009); Flood Plain Permit (2011-010) – for stream channel enhancements at Bigelow
Brook.

SPEED OF SOUND – 90 Buckland Street – Special Exception Modification (2011-011) – for
changes to original landscape plan.

PETER GRADY – 620 Middle Turnpike East – Site Plan (2011-013) – for outdoor restaurant
seating in a Special Design Commercial zone.

WAL-MART REAL ESTATE BUSINESS TRUST – 420 Buckland Hills Road – Inland
Wetlands Permit (2011-016); Erosion Control (2011-017); CUD Detailed Plan Modification
(2011-018) – proposed expansion of existing store from 121,565 sq. ft. to 148,578 sq. ft.

The Chairman closed the business meeting at 9:17 p.m.

I certify these minutes were adopted on the following date:

August 15, 2011
Date

Joseph Diminico, Chairman

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

OFFICIAL TAPE NO. 1118 & 1119