

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
DECEMBER 3, 2012**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Andy Kidd, Secretary
Eric Prause
Horace Brown
Michael Stebe

Alternates: Susan Shanbaum

Absent: Anthony Petrone
John Chaput

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
and Wetlands Agent
Ginger MacHattie, Recording Secretary

Time Convened: 7:05 P.M.

OLD BUSINESS:

BRUCE R. & ROSEMARIE T. CHIRICO – 571 Porter Street and the westerly portion of 599 Porter Street – to change the zone from Residence AA (RAA) zone to Rural Residence (RR) zone – Zoning Map Amendment (2012-099)

Mr. Stebe said he had a chance to review all information associated with this application and is prepared to vote on this matter.

Mr. Prause said he appreciates all of the public hearing testimony. This is a complicated issue and the speakers had legitimate concerns. The preservation of farmland is important, he said. The applicant has been keeping horses for 19 years. The size of the paddock is limiting the number of horses that can be there. Others have testified that horses have been kept at the property since the 1940s. The abutters have testified that there appears to be an increased intensity which is imposing a nuisance on the abutting neighbors. They brought up concerns about the property values and the quality of life, insufficient buffer and the potential contamination of well water, all of which is the evidence of the incompatibility of this Rural Residence zone application on the property. If the applicant is using the proper waste disposal and heeding the buffer limits, this use clearly is not compatible with the neighborhood. Since the current use does not conform to the current zoning regulations, the activity is more appropriately classified as a non-conforming use, and it would be appropriate for the applicant to petition as a

legal non-conformance. The intensity level should be set for what was pre-established. Changing the zone would create the ability to intensify the use.

Mr. Brown said this is a difficult application. These two properties are surrounded by residential development. The stable appears to be 300' from a house on Hickory and 400' from another house. If the zone change is made, all uses permitted by right in a RR zone would apply. There are two sets of regulations that affect the properties; residential lot versus unsubdivided, undeveloped land. He is having trouble making either set of regulations fit this situation as there are buildings on the lots. There is a stable building and there is a corral, which is even closer to the residences than the stable. Both could be viewed as a non conforming use. His believes letting the use remain as-is would be the better choice.

Mr. Kidd said he does not find fault with anything that has been said so far. The testimony has been especially troubling to him. Expansion of the current use would be further detrimental to the neighbors. He said he will vote against a zone change.

Mr. Stebe said he echoes his colleagues' comments. An increase in the intensity of the use would create an issue for the neighbors. He is leaning toward maintaining current zoning.

Mr. Diminico said he has struggled with this application. There are quite a few issues to consider. If the zone changes the intensity of the use will increase.

Zoning Map Amendment (2012-099)

MOTION: Mr. Prause moved to deny the zoning map amendment. Mr. Kidd seconded the motion and all members voted in favor of denial. The reasons for the denial were the location is not appropriate for agricultural uses and the intensification of the agricultural use in this location is not compatible with the existing surrounding residential uses and with the current Plan of Conservation and Development which designates this area as low density residential.

NEW BUSINESS:

THE HOME DEPOT – 80 Buckland Hills Drive – to change the color of the tops of the exterior canopies on the front of the store from green to orange, their corporate color – CUD Detailed Plan Modification (2012-115)

Ms. Joann Roth, Certapro Painters, distributed before and after pictures and samples of materials to Commission members. She said page one shows what Home Depot currently looks like. The proposal is to change the green to orange. The second photo shows what the building would look like with the orange. The remaining pictures showed other retail sites that have had their buildings painted. This is Home Depot's national standard and is a fair and reasonable request, she said.

Mr. Diminico explained this application originally came before himself and the Town Planner and he was not comfortable with making the decision.

Mr. Brown looked at three other area Home Depots and two of them clearly have the orange; however, it is not over the entire front of the building. One has a green canopy, similar to what

currently exists in Manchester. Mr. Brown has no trouble with the bright orange name. He does have trouble with the length of canopy being orange. Unless one goes to the building, one will not even see the canopy. The other examples the applicant distributed are more muted and less sizable than this proposal.

Ms. Roth explained the store in Glastonbury is similar to Manchester but has been like that for quite some time. Home Depot is in the process of updating their stores. Manchester's canopy is a solid stretch. On the sample it does appear quite bright, but on the building it is not so vibrant. Home Depot may be willing to compromise, she said.

Mr. Kidd agrees with Mr. Brown's comments. He could appreciate a break in the orange color. A lot of the details are already orange; he thought accents in orange may work better.

Mr. Prause said this property is unique and people driving by it do not see the building itself. He is less bothered by this application due to the location of the property.

Mr. Stebe said he does not understand the value added using the orange and he does not see a need to push toward it. There are ways to work around this.

Ms. Roth said there are orange accents on the building. The orange does not add value but gives uniformity to the brand. The green canopy is outside of the brand.

Mr. Brown said nobody is objecting to the orange at Home Depot, but it is the extent of its use on the building.

Mr. Diminico agreed that the problem is really the scale and the amount of square feet the will be orange.

Mr. Stebe is glad Home Depot is maintaining its building and suggested the applicant be invited back with additional ideas.

CUD Detailed Plan Modification (2012-115)

MOTION: Mr. Prause moved to table this item. Mr. Kidd seconded the motion and all members voted in favor.

The Planning and Zoning Commission returned to the public hearing at 7:48 p.m.

The Planning and Zoning Commission resumed the business meeting at 10:51 p.m.

WAL-MART REAL ESTATE BUSINESS TRUST – 205 Spencer Street – to redevelop the property with a new retail store and associated parking and site improvements in a General Business zone – Inland Wetlands Permit (2012-081); Special Exception (2012-082); Erosion and Sedimentation Control Plan (2012-083)

Mr. Bordeaux said his memorandum dated November 5, 2012 reflects the plans reviewed to that point. Since then, there has been a subsequent revision, dated November 26, 2012, with a couple of minor changes. The original improvements were limited to foot traffic. After further discussion and review, accommodations were made to manage vehicle traffic by installing an

anti-tracking pad. Vegetation will be cleared to a 7' to 8' width and stone will be placed for future purposes and fenced off. He does not think the change in proposed work will cause significant impact.

Continue Meeting After 11 P.M.

MOTION: Mr. Kidd moved to suspend the rules of procedure to continue meeting after 11:00 p.m. Mr. Brown seconded the motion and all members voted in favor.

Inland Wetlands Permit (2012-081)

MOTION: Mr. Kidd moved to approve the inland wetlands permit with modifications as outlined in a staff memorandum from Nick Francione, Civil Engineer, dated November 30, 2012 to Renata Bertotti, Senior Planner. The permit is valid for five years, with work to be completed one year from the start of construction. Mr. Brown seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (2012-083)

MOTION: Mr. Kidd moved to approve the erosion and sedimentation control plan with modifications as outlined in a staff memorandum from Nick Francione, Civil Engineer, dated November 30, 2012 to Renata Bertotti, Senior Planner. Mr. Brown seconded the motion and all members voted in favor.

Special Exception (2012-082)

MOTION: Mr. Prause moved to table this item. Mr. Brown seconded the motion and all members voted in favor.

APPROVAL OF MINUTES:

September 5, 2012 – Business Meeting

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

RECEIPT OF NEW APPLICATIONS:

EVERGREEN CROSSING, LLC – Inland Wetlands Permit (2012-120); PRD Detailed Plan (2012-121); Erosion and Sedimentation Control Plan (2012-122): 224-unit multi-family residential community with parking, carports, clubhouse/office at 325 New State Road, PRD zone.

The Chairman closed the business meeting at 11:13 p.m.

I certify these minutes were adopted on the following date:

April 15, 2013
Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.