

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

ROLL CALL:

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

Alternates: Susan Shanbaum (sitting)

Absent: Kevin Dougan, Vice Chairman
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: 8:02 P.M.

OLD BUSINESS:

WAL-MART REAL ESTATE BUSINESS TRUST – 420 Buckland Hills Drive – to expand the store by an additional 439 sq. ft. including modification to the store entrance and to modify a prior condition of approval to eliminate the one-way requirement for the northern drive aisle at the property’s entrance – CUD Detailed Plan Modification (2012-080)

Attorney John Knuff, on behalf of Wal-Mart Real Estate Business Trust, reminded Commission members this application was before them previously regarding modifying a condition of approval. Mr. Alan Carpenter, P.E., and Mr. Pellegrini went into some detail about the plan modification. The Town’s Traffic Engineer has no objection to the modification as proposed. The Town’s Engineering staff had some technical issues with regard to the geotechnical report, which have been resolved. Mr. Carpenter said there are no outstanding issues other than some minor ones, but he believed everything has been resolved with Town staff.

Mr. Brown asked which trees and/or shrubs would remain on the peninsula as compared to what is currently on the island.

Mr. Carpenter displayed a sketch showing the existing trees. He said the three trees being saved are a Norway spruce with about a 10” diameter and about 30’ high, a crabapple tree, and an arborvitae that is about 3” in diameter. No white pines will remain.

Ms. Bertotti said this application was tabled because Town staff was still reviewing the grading changes having to do with the geotechnical report. Since then the Engineering Department

reviewed the proposed plans and approved the grading changes. At this point, there are four staff members with outstanding minor and technical comments, which can be addressed as modifications.

CUD Detailed Plan Modification (2012-080)

MOTION: Mr. Brown moved to approve the CUD detailed plan modification with modifications as outlined in staff memoranda from Renata Bertotti, Senior Planner, dated September 27, 2012 to John W. Knuff, Esq.; from Nick Francione, Civil Engineer, dated September 25, 2012 to Renata Bertotti; from Jim Mayer, Traffic Engineer, dated September 25, 2012 to Renata Bertotti; and from Bernard Kalansuriya, Design Engineer, dated September 19, 2012 to Renata Bertotti. Mr. Prause seconded the motion and Mr. Diminico, Mr. Prause and Mr. Brown voted in favor. Mr. Kidd and Ms. Shanbaum abstained. The motion passes 3 to 0.

WAL-MART REAL ESTATE BUSINESS TRUST – 205 Spencer Street – to redevelop the property with a new retail store and associated parking and site improvements – Inland Wetlands Permit – Determination of Significance (2012-081)

Attorney John Knuff, on behalf of Wal-Mart Real Estate Business Trust, explained that Wal-Mart is the contract purchaser of the property at 205 Spencer Street, known locally as the K-Mart Plaza. He said a 152,000 square foot supercenter is being proposed in the general location of the former K-Mart. The redevelopment of the site requires some work within the upland review area on the north side of the property. No work is being proposed within any watercourse or wetland area. The purpose of this application is to allow the Commission to make a determination as to whether the proposed activity is significant or not.

Mr. Alan Carpenter, P.E., said the application is for work within the upland review area for the construction of a new Wal-Mart facility at 205-239 Spencer Street, located near the I-84 exit ramps and bounded on the north by a CL&P easement, on the west by a cemetery, and on the east by a craft store, Starbucks and Spencer Inn & Suites. There is a shopping center across the street from the site as well as a couple of gas stations and Manchester Community College to the southeast of the site. The site did contain a K-Mart building, which has been demolished. Remaining is a Pep Boys, Ocean State Job Lot and other local retail space.

Mr. Carpenter pointed out the upland review area on the north side of the site. There are a few limited and confined fingers of wetlands that encroach onto the site. Manchester has a 100' upland review area, which reaches out a little further from the wetlands themselves. The topographic area is fairly severe down below the existing site, which is where the discharge from the site collects. He pointed out where it discharges off site. He said there are 42,000 square feet of upland review area on the site and about 300 square feet of wetlands on the site. There is existing pavement within the upland review area, part of which will be removed as part of this proposal.

Mr. Carpenter explained that the site is significantly impervious and pointed out the previous K-Mart building, Ocean State Job Lot, Pep Boys and the other retail buildings as well as all parking around it. The wetland is a vegetated canopied area on the north end of the site. He then displayed a plan that demonstrates the proposal. Because of the parking requirements for the building and overall needs for the shopping center, a pod of parking will be added in an acre area

of the site. A retaining wall will be built in some of that area to retain some soil and place parking there. He said that area goes into the upland review area by about 4,000 square feet. Some of the paving around the backside of the site will be in the upland review area as well. There is an existing area of paving that will be removed and revegetated. The design was to try to keep impacts of the design out of the wetland as much as possible, working in the upper reaches of the upland review area. Mr. Carpenter displayed the upland review plan. An underground stormwater management system is being proposed. He said discharge for the entire existing site currently comes through a 54" pipe to the side slope just north of the existing edge of pavement. There is riprap and an outfall structure that is reasonably stabilized. The proposal is to demolish the existing structure in place, leave rubble in place to act as riprap, and build a head wall at the end of the outfall pipe. The wetlands are 50' to 60' down gradient of where the drainage outfall is.

Mr. Carpenter explained there is currently a 30" pipe that comes off the back of the site and connects into the outfall structure. He proposes taking that pipe out of service by bulk heading the end near the outfall structure and the end by the existing edge of pavement and abandoning that piece of pipe in place. He said the stormwater that was going through that pipe would be rerouted through the management system with the final design, providing some underground storage and infiltration before being discharged. With the addition of underground storage, not taking any credit for infiltration, pre and post-developed discharges will be reduced. Assuming the parking lot is swept regularly, TSS removal exists at 64%. The proposed model, including storage, deep sumped inlets, hooded outfalls on the pipes and three additional water quality units on the system will increase the TSS removal to 83%.

Dr. Paul Davis, certified soil scientist, explained that the watercourses were flagged within the property. He said there are inland wetlands just on the other side of the property line, which were noted. What extend onto the property are watercourses only. The terrain drops off very quickly and there are deep pipes that exit up high on a slope, which results in a fairly steep and deep sized channel. The 300 square feet referenced earlier is really a 2' wide channel watercourse. Dr. Davis pointed out the inland wetland just off the property boundary. There is enough wetland vegetation within the watercourse and enough evidence of ground water seepage into the channel that helped to feed the watercourse, that he felt it merited treatment as a regulated watercourse itself. Once above a certain point, it is more of a debris area to receive stormwater. There is not evidence of the wetland vegetation or ground water recharge to the stream itself. It is a fairly disturbed watercourse feature with a lot of scour and quick grade change. He said there are not a lot of wetland features but it does act as a watercourse and it merited being flagged.

Attorney Knuff referred to a map in Commissioner's packets that clearly shows regulated activity as well as a memorandum regarding the seven criteria for determination whether the proposed plan is significant activity. None of the criteria is triggered by the applicant's proposed work.

In response to questions from Mr. Kidd, Dr. Davis explained that watercourses come in lots of varieties. The intention was to let the Commission know that this is a fairly highly impacted watercourse. There is not only scour but deposition as well. The primary water source that feeds the watercourse is not the ground water base flow but stormwater flow coming off the site. There is a 12' change between the upper and lower point of this particular watercourse. It is a rapid drop, which results in scour and poor sediments. This type of situation inhibits the fauna.

Dr. Davis said even when this area was agricultural, there was still run off. There is a gradation there. The more episodic the high flows are in an area, the more inhibitory it will be to any kind of wildlife or insect usage. This is a highly disturbed environment now and has been for generations. He said the intention was not to infer there was a recent change in the situation.

In response to a question from Mr. Kidd, Mr. Bordeaux concurred with Dr. Davis' assessment. The flashiness will flush out anything typically expected in a watercourse setting.

In response to a question from Mr. Kidd, Mr. Carpenter explained the parking is necessary from a business perspective. The number of parking spaces exceeds the parking requirements. There are business commitments on this piece of property that drive the number of parking spaces as a whole. Everybody shares, but there is a commitment to have a certain number of parking spaces, by lease, on this piece of property.

Mr. Kidd commented that there is a lot of impervious surface on this parcel. Now the proposal is to add to parking in an upland review area. He is trying to understand if it is necessary parking. He would like to see less parking and impervious surface if it is not necessary.

Attorney Knuff explained that, if approval is received from the Commission, Wal-Mart would own the entire site. There are no specific parking fields where people can park to visit various retailers.

In response to questions from Mr. Brown, Attorney Knuff confirmed that the K-Mart building has been demolished and a portion of the other retail building has been demolished as well. The K-Mart building was about 90,000 square feet and Wal-Mart will be 152,000 square feet.

In response to a question from Mr. Prause, Mr. Carpenter explained there would be a reduction in stormwater discharge. Some underground storage will be added for the roof water to infiltrate it, which will benefit the water quality levels. Three hydrodynamic separators will be added as well. Based on calculations, proposed work will reduce the sediment load from this site by half.

Mr. Bordeaux said the work within the regulated area is minimally invasive and in the upland review only.

Inland Wetlands Permit – Determination of Significance (2012-081)

MOTION: Mr. Kidd moved to find the proposed activity would not cause a significant impact to the wetlands and will not require a public hearing. Mr. Prause seconded the motion and all members voted in favor. As testified, no work will occur in the watercourse or wetlands area.

NEW BUSINESS:

JREC, INC. – 244R Broad Street – Special Exception Modification – to extend the bituminous pavement by approximately 10,230 sq. ft. over an existing gravel area for parking – Special Exception Modification (2012-077)

Attorney Leonard Jacobs spoke on behalf of the applicant, JREC, Inc. and oriented the Commission members on the map. The applicant's site is behind two restaurants, which mostly block the view of the client's property. The applicant has an autobody repair shop, which he

purchased a few years ago. At that time, the continued operation of the autobody shop was approved by the Zoning Board of Appeals. The Town's Zoning Enforcement Officer brought his personal vehicle to this business to be repaired and noticed that cars on the site were not being parked on pavement. Attorney Jacobs explained that his client purchased the property in that condition and did not realize this was a problem. Mr. Davis, once he discovered the site was not in conformity, was obligated to report the conditions and follow up.

Attorney Jacobs is requesting a modification on behalf of his applicant. All parking is now on pavement as required by regulation. The necessary drainage was installed and the plans drawn meet all requirements of the Engineering Department and there are no outstanding comments. The owner has operated this business in Town for a number of years. He was at a different location in Manchester and purchased this property when it became available. The owner has done a very good job and there have never been any complaints or problems. Attorney Jacobs said when the situation was pointed out, the owner immediately did everything he could to promptly remedy the problem.

In response to a question from Mr. Brown, Ms. Bertotti explained that the current paved area includes a total of 33 parking spaces; 20 outside and 13 inside the building.

Attorney Jacobs added the problem is that some of the parking was not on pavement but that has been corrected.

In response to a question from Mr. Brown, Attorney Jacobs confirmed the 46 spaces in the proposed plan include 13 inside the building. The regulations call for a certain number of spaces, but when vehicles are being parked for repair, they can be placed a little closer together. The important part is that all will be on pavement. The applicant and his attorney do not anticipate a problem with parking.

In response to a question from Mr. Diminico, Russ Johnston, P.E., explained that previously the site drained down the bank into the plaza. When the applicant first moved in, a shallow surface basin was created which was enough to cut the peak down a little bit and allow some storage and settling. Now the basin has been enlarged and an underground drywell has been put in and an oil absorbent sock will be placed in it. Maintenance of the sock depends on how much oil drips. It will need to be replaced when the sock becomes oily to the touch. It is similar to the pads the applicant currently uses for drips in the building.

In response to questions from Mr. Prause, Mr. Johnston said the storage trailer was pointed out by Mr. Davis and will be removed. The dumpsters will be placed on a cement pad. There will be ten drought tolerant shrubs placed around the basin. No landscaping will be used for screening as this property cannot be seen from the road. The shed in the northwest corner is used for storage of painting equipment.

In response to a question from Mr. Kidd, Attorney Jacobs said a business started at this location in the 1970s and he wondered if rules were different then. As he stated earlier, his client purchased this business and had to get permission from the Zoning Board of Appeals to continue to use this location for an autobody shop. What that Board saw was an ongoing business, but the site is almost invisible. Only because Mr. Davis happened to bring his vehicle here did this parking issue come up.

Ms. Bertotti said Town staff has reviewed this application and there are no outstanding staff comments.

Special Exception Modification (2012-077)

MOTION: Mr. Kidd moved to approve the special exception modification. Ms. Shanbaum seconded the motion and all members voted in favor. The reason for the approval was the proposal meets the special exception criteria.

JOHN MALAPETSAS – 53 Slater Street, Unit 63-2 – to operate an automobile repair and service garage in an Industrial zone – Special Exception (2012-095); Certificate of Location Approval (2012-100)

Mr. Diminico said his concern for this particular application is buffering. He wondered if there were any conditions of approval when the industrial location was approved. He also questioned the ramifications of this business in the future. He empathizes with the abutters as well as the applicant.

Mr. Kidd also empathizes with both parties. The subject property is in an Industrial zone and the application is for a permitted use. There is currently a muffler shop at this location, which is a similar business. He questioned why this should not be approved if a muffler shop was previously approved at this location. There will be no spray painting. He wondered if the Commission could make a condition of approval concerning the Dynometer. He also asked what would happen if the nature of the business changed and something like spray painting were to take place.

Ms. Bertotti said the business would be based on the testimony as presented. Any changes would have to come before the Planning and Zoning Commission.

Mr. Brown agreed that this is an awkward situation. He is particularly concerned because there is already a muffler shop on the property. Changes in use cause problems to the neighbors. If this application is approved, he would like to see severe restrictions on use, especially on Sundays. He noted the building's bay opens to the north, which is the other direction from the residential area.

Mr. Prause said the citizens on Tolland Turnpike have been dealing with changes in the zone surrounding this area for decades. He has lived on Tolland Turnpike and there is a lot of noise from the highway; noise in the area is common. If the noise from this shop becomes a problem, there is a noise ordinance that can address it.

Mr. Diminico pointed out that the neighbor was there before use of the area changed. The noise is cumulative. Two or three similar type businesses would certainly make the noise level more constant. The bays are located on the north side and the homes are located to the south.

Ms. Bertotti said there are no outstanding staff comments.

Certificate of Location Approval (2012-100)

MOTION: Mr. Prause moved to approve the certificate of location approval. Ms. Shanbaum seconded the motion and all members voted in favor.

Special Exception (2012-095)

MOTION: Mr. Kidd moved to approve the special exception with the following conditions: (1) the work to be conducted includes custom performance and styling car work, including Ecu tuning, custom fabrication and emission compliant exhaust systems, full suspension installation, and clutch brake and wheel installation; (2) the hours of operation are Monday through Friday from 9:00 a.m. to 6:00 p.m.; and (3) Dynamometer engine testing is to be done inside the bay or at the north side of the building. Mr. Prause seconded the motion and all members voted in favor. The reason for the approval was the proposal meets the special exception criteria.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – for revisions to the zoning regulations at Article II Sections 7, 8, 18, 20 and Article IV Section 20 to expand the types of minor changes permitted to be administratively approved – Zoning Regulation Amendment (2012-096)

Zoning Regulation Amendment (2012-096)

MOTION: Ms. Shanbaum moved to approve the zoning regulation amendment to Article II Sections 7, 8, 18, 20 and Article IV Section 20 to expand the types of minor changes permitted to be administratively approved. Mr. Prause seconded the motion and all members voted in favor. The zoning regulation amendment will be effective on October 19, 2012. The reason for the approval was the proposed amendment will result in a less bureaucratic process and will save time and money to applicants and the Planning and Zoning Commission.

RIPLEY HILL DEVELOPMENT, LLC – 717, 727, & 743 Tolland Turnpike – for a 32 unit multi-family residential community – *Request for Extension* – PRD Zone Change and Preliminary Plan of Development (2012-076)

PRD Zone Change and Preliminary Plan of Development (2012-076) – *Request for Extension*

MOTION: Ms. Shanbaum moved to approve the request for extension for 65 days, until December 14, 2012. Mr. Brown seconded the motion and all members voted in favor.

MOTION: Mr. Kidd moved to revise the meeting agenda to add item #5, Wal-Mart Real Estate Business Trust – Inland Wetlands Permit (2012-081); Special Exception (2012-082); Erosion and Sedimentation Control Plan (2012-083) – Request for Extension. Mr. Brown seconded the motion and all members voted in favor.

WAL-MART REAL ESTATE BUSINESS TRUST – 205 Spencer Street – Inland Wetlands Permit (2012-081); Special Exception (2012-082); Erosion and Sedimentation Control Plan (2012-083) – *Request for Extension*

Inland Wetlands Permit (2012-081) – *Request for Extension*

MOTION: Mr. Kidd moved to approve the request for extension for 65 days, until December 14, 2012. Ms. Shanbaum seconded the motion and all members voted in favor.

Special Exception (2012-082) – Request for Extension

MOTION: Mr. Kidd moved to approve the request for extension until November 19, 2012.
Mr. Prause seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (2012-083) – Request for Extension

MOTION: Mr. Kidd moved to approve the request for 65 days, until December 14, 2012.
Mr. Prause seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Comments on the State POCD

Mr. Pellegrini said he had previously forwarded a draft of the State Plan of Conservation and Development to Commission members. This plan is a bit different from previous plans the State has compiled. It is foremost a policy document intended to guide the investment and policy actions of State agencies. When State agencies are making investments, awarding grants, conducting activities, or implementing programs, they are supposed to compare their activities to see that they comport with the policy guidance in this planning document. The intersection with municipal activities typically is when municipalities are seeking grants for anything from open space acquisition to water plan improvements. He said the State, this time, has taken a little different approach to both the text document and to the locational guide map. The document is composed of some introductory sections and divided into the six growth management principles. Their policies are organized under these growth management principles. There is a table that includes the principles and how all various State programs or funding sources could apply to the different principles. The locational guide map, prior to this iteration of the plan, was also interpreted as a policy document. There were different areas of the State and municipalities designated by nature and function of those particular geographic areas. There were a number of conservation type categories, preservation, conservation, development, and urban core designations. What began to happen was, as State agencies began to pay attention to the plan and push back on some municipal funding activities where they did not seem to line up with the plan, more and more municipalities took the opportunity to go the State Legislature. The approach to putting this plan together has changed. Mr. Pellegrini displayed and reviewed the Locational Guide Map. He said he has reviewed the State Plan and Locational Guide Map and did not see any areas of conflict.

Discussion of Town of Manchester Plan of Conservation and Development/2020

Mr. Brown mentioned a concern regarding the Executive Summary, beginning on page 15, at the end of each paragraph there is a new category, net residential density.

Mr. Pellegrini said there was a discussion in a workshop about the zoning regulations and how this plan would apply to the regulations and to densities. It was decided that the neighborhood classifications would be looked at and a range of densities would be identified that are consistent with those types of areas.

The Chairman closed the business meeting at 10:22 p.m.

I certify these minutes were adopted on the following date:

March 18, 2013
Date

Eric Prause, Chairman

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