

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
AUGUST 6, 2012**

**ROLL CALL:**

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

Alternates: Susan Shanbaum (sitting)  
John Chaput

Absent: Kevin Dougan, Vice Chairman  
Anthony Petrone

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

Time Convened: 7:04 P.M.

**NEW BUSINESS:**

MANCHESTER PUBLIC SCHOOLS – for improvements to two playground areas including extending the existing fencing, landscaping and installing shade umbrellas at 57 Hollister Street, Residence A zone – Special Exception Modification (2012-073)

Mr. Chuck Cadman, Manchester Public Schools, explained the existing playscapes are rather barren and he would like to provide some shade. He proposed a 12' x 12' umbrella-type awning for the playground at the corner of Summit Street and Hollister Street and two umbrellas, one 10' x 10' and one 12' x 12', at the playground at the corner of Hollister Street and Washington Street. Mr. Cadman is proposing enlarging the playscapes by pushing the fence line to the setback line which will provide an additional 8'. He will change some of the plantings to give the kids different textures and to provide additional experiences and some shade for the children. The existing plantings will be relocated adjacent to the relocated fence.

In response to a question from Mr. Diminico, Mr. Cadman said the awnings are steel framed with removable nylon fabric. The color has not yet been selected, but he thinks it may be green.

In response to a series of questions from Mr. Brown, Mr. Cadman said the manufacturer said the frames can withstand high winds. They are put in place with a 30" concrete base and 6" steel pipe. The base will be 5' deep. The dumpster is enclosed in vinyl fencing. The bushes currently located by the dumpster are wedged in and have no place to grow, he said.

In response to questions from Mr. Prause, Mr. Cadman said the dumpster is located in the back by the handicap unloading area. The shrubs will be placed along the fence. There will be three umbrellas total.

In response to a question from Mr. Diminico, Mr. Cadman said the fence work will be done very soon and the umbrellas will be ordered as soon as possible should this application be approved.

Ms. Bertotti said there are no outstanding staff comments.

In response to a question from Mr. Diminico, Mr. Cadman confirmed the darker green color for all three umbrellas.

Special Exception Modification (2012-073)

**MOTION:** Mr. Kidd moved to approve the special exception modification with the modification to label the proposed umbrella on the plans on playground #2 located at the northwest corner of the property. Mr. Brown seconded the motion and all members voted in favor. The reason for the approval was the proposal is compatible with the neighborhood and the improvements will benefit the students at the school.

TODD BARBIERI – to permit the construction of a home without the subdivision requirement of installing an in-house sprinkler system at 49 Rock Ridge, Rural Residence zone – Other – Modify the Existing Subdivision Approval: Remove the Requirement to Install Sprinklers (2012-074)

Attorney Anthony Gryk spoke on behalf of the applicant and explained that 49 Rock Ridge is the first house being constructed in this phase of the subdivision. A notation on the subdivision map, dated 2001, says in-house sprinklers are required. His client contacted the local fire department and found out the fire trucks have a 1,000 foot pumping range. The closest fire hydrant to 49 Rock Ridge is 413' as a crow flies, or 700' by road, which is well within the parameters of a fire truck. Per a memorandum received from the Fire Chief on July 25, 2012, there is no code requirement for an in-house sprinkler system. There is a code requirement for smoke and carbon monoxide detectors. He said the first time his client found out about the requirement was when the house was being framed. Attorney Gryk submitted a copy of a quote for a sprinkler system to Commission members.

In response to a question from Mr. Diminico, Mr. Barbieri said his project manager approached the plumber for a quote but it was not something he could do; most plumbers do not install residential sprinklers. His general contractor has never had to put a sprinkler system in a residential house, he said.

In response to a question from Mr. Diminico, Mr. Barbieri explained that his developer never told him about this requirement. Subsequently, the developer has said it was not his responsibility to tell him. The estimated cost of a sprinkler system is \$16,000 and is a significant amount of money. He has lived in town for 20 years. His daughter goes to school locally and he wanted to stay in Town, which is why he purchased the subject property. Mr. Barbieri has done some research and has not found another development in Manchester that requires a sprinkler system in residential homes.

In response to a question from Mr. Diminico, Mr. Barbieri said his architect, attorney and general contractor were all unaware of this requirement. He was completely in the dark until Mr. Talbot called. He said he did not want to rely on his developer to make this request as he has proven himself unreliable in the past. That is why he applied for a modification himself. This requirement has a significant impact on the cost of the project. He said he obtained a construction loan for 80% of the cost of the project; he cannot ask for more money.

Attorney Gryk added there is an existing house on High Ledge Circle, directly behind his client's house. That house is under the same constraints and is about the same distance from the hydrant

In response to a question from Mr. Diminico, Mr. Pellegrini said there is no other subdivision in Manchester with this requirement.

In response to a question from Mr. Kidd, Mr. Pellegrini explained this subdivision is in the southeast corner of Town. There is public water in the development but not in this particular section. Mr. Pellegrini said it is fair to say that other homes in similar conditions are built without a requirement of a fire suppression system.

Mr. Kidd said there are plenty of houses within the 1000' circle of the applicant's house. Many houses are in a similar situation when it comes to the proximity to a fire station as this applicant. He is hesitant to look at just this one site. He asked if the Commission should be looking at only one house or the subdivision as a whole.

Mr. Pellegrini said he spoke with the Town Attorney who said Mr. Barbieri has the right to apply on his own. The Planning and Zoning Commission has the right to act on this application or the ability to act on the entire subdivision.

In response to a question from Ms. Shanbaum, Ms. Bertotti said this is the eighth phase in this subdivision with approximately 21 lots. Mr. Barbieri owns the first lot that was sold. Ms. Shanbaum said at the very least there is an obligation to get something in the deed record for anyone looking at these lots.

Mr. Barbieri explained that Hillstown Road has no hydrants nearby and typically a tanker from a neighboring town is called. In this instance, a hydrant in the area could be used.

Mr. Brown said he would like to hear from the Fire Chief.

Mr. Diminico said he also wished the Fire Chief would have attended this meeting. The Chief's letter was to the point; this is not a code requirement. Mr. Diminico said Mr. Barbieri was blindsided by the additional cost of a sprinkler system. This is a very serious issue. He understands the applicant is on a timetable with construction and loans.

Mr. Kidd is in favor of a special meeting with the Fire Chief or a designated representative attending the meeting. It was the consensus of Commission members to hold a special meeting on this application.

TODD BARBIERI – to permit the construction of a home without the subdivision requirement of installing an in-house sprinkler system at 49 Rock Ridge, Rural Residence zone – Other – Modify the Existing Subdivision Approval: Remove the Requirement to Install Sprinklers (2012-074)

**MOTION:** Mr. Kidd moved to table this item until all parties involved can meet at a mutually agreeable time. Mr. Prause seconded the motion and all members voted in favor.

PLAZA AZTECA – for an outdoor dining area at an existing restaurant at 170 Slater Street, CUD zone – CUD Detailed Plan Modification (2012-075)

Mr. Francisco Perez, 170 Slater Street, explained that there has been a decrease in his business this summer and it is in his best interest to provide outdoor dining to try to retain business. He is proposing about 12 tables outside. Plaza Azteca is a family oriented business that has been in Manchester for four years now. There are 233 seats inside. The patio will be built where the brush and greenery currently is outside. He will be keeping the big tree.

In response to a question from Mr. Diminico, Mr. Perez confirmed there would be 1,800 square feet of additional dining area with 97 additional seats. The patio will be primarily a concrete stone and block, the same color as the face of the building.

Mr. Kidd said it is a nice design and looks accommodating. It will be extending the applicant's business and not disrupting anything.

Mr. Brown agreed with Mr. Kidd. He said it is time for the Commission to look at parking requirements for restaurants with outdoor seating. If approved, this will add 97 more patrons without a word in the regulations to address the additional parking required. This restaurant is in a shopping area but closer to residences than other restaurants. He asked if there is a noise requirement.

Mr. Pellegrini said there is a noise ordinance that spells out certain decibel levels at property lines at certain times of the day.

Mr. Brown commented the lighting is quant and he does not think the proposal would be a problem.

In response to a series of questions from Mr. Brown, Mr. Perez said the piers do not currently exist. The colors will be a southwestern Santa-Fe look. Work will begin as soon as possible. There are two vacant buildings in this plaza; the Twitter space and the building behind Better Bedding. The colors will be an exact match to the existing façade of the restaurant.

Mr. Diminico concurred with Mr. Brown's statement regarding parking requirements for outdoor dining.

In response to a series of questions from Mr. Prause, Mr. Perez said the tiling on the exterior will be natural stone. The ornamental poles will be wrought iron. Lights will be on posts.

Ms. Bertotti said there are two staff comments, both of which are notes to be shown on the plan.

In response to a question from Ms. Shanbaum, Mr. Perez said the awning is over the bar area only and not attached and extending from the building. It is aluminum with nylon. The awning will extend over the bar area but has to be removable because of weather.

CUD Detailed Plan Modification (2012-075)

**MOTION:** Mr. Kidd moved to approve the CUD detailed plan modification with modifications as outlined in staff memoranda from Derrick Gregor, Assistant Town Engineer, dated July 31, 2012 to Renata Bertotti, Senior Planner and Comment No. 1 from Ryan Zannotti, Environmental Health Inspector dated August 1, 2012 to Perez J. Francisco and Renata Bertotti; and with the modification to add a note on the plans stating the outside fence will match the materials and colors of the existing building and to show the proposed overhead covering at the bar, to be approved by the Planning and Zoning Commission Chair and Director of Planning. Mr. Prause seconded the motion and all members voted in favor.

MANCHESTER COUNTRY CLUB INC. – for the removal of trees and brush to improve conditions at the 11<sup>th</sup> hole green and 12<sup>th</sup> hole tee box and planting of various trees, shrubs and grass at 535 South Main Street, Rural Residence zone – Erosion and Sedimentation Control Plan (2012-078)

Mr. Derrick Gregor, Assistant Town Engineer, represented Manchester Country Club in a tree clearing project. Currently, this location is just north of Line Street near the Glastonbury town line. He pointed out the 11<sup>th</sup> hole green and the 12<sup>th</sup> hole tee box on a map he provided. He explained the Country Club has had ongoing problems with the condition of the grass in these areas. The Club is proposing to clear 1.2 acres of existing trees in the area to open it up and allow sunlight into the areas where grass is not growing. He said the Tree Warden looked at the area and there are no specimen trees there. The shaded area on the plans is proposed to be planted with high grass fescue which grows about waist height, he said. The grass will be mowed once per year in the spring and allowed to grow the rest of the season. The Club is also proposing the installation of five wintergreen king hawthorn trees that will grow 25' in height and flower in the spring. The Club is also planning to plant shrubs along the southern property line near the limit of the clearing to provide a visual break between the tall grass and the existing woods line. The site would be accessed near the 9<sup>th</sup> hole stand. Truck traffic would come in through the gravel lot off of Line Street. No grade changes are proposed. Mr. Gregor said trees will be stumped and there is no impact on drainage patterns. Silt fencing will be placed below all disturbed areas. Clearing should take approximately two weeks and replanting will be completed in another two weeks.

In response to a question from Mr. Diminico, Mr. Gregor said work would take place after Labor Day.

Ms. Bertotti said there are no outstanding staff comments.

Erosion and Sedimentation Control Plan (2012-078)

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

**MOTION:** Mr. Brown moved to suspend the rules to move Item 5, Administrative Reports, to the last item on the agenda. Mr. Kidd seconded the motion and all members voted in favor.

### **APPROVAL OF MINUTES:**

#### June 4, 2012 – Business Meeting

**MOTION:** Mr. Brown moved to approve the minutes as written. Mr. Kidd seconded the motion and Mr. Diminico, Mr. Prause, and Mr. Chaput voted in favor; Ms. Shanbaum abstained.

#### June 18, 2012 – Business Meeting

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

### **ADMINISTRATIVE REPORTS:**

#### Schedule Workshops for Planning Department Projects/Reports

Mr. Pellegrini reviewed the items Planning staff are currently working on including the long range 2020 plan, amendments to subdivision regulations, lot mergers, APA transfers, and maintenance activities in upland review areas.

Upcoming workshops were announced:

- Wednesday, August 16 at 6:00 p.m. regarding the 2020 plan;
- Tuesday, August 28 at 6:00 regarding lot mergers; and
- Monday, September 10 at 6:00 regarding Inland Wetlands and Aquifer Protection

### **RECEIPT OF NEW APPLICATIONS:**

**TODD BARBIERI – Other – Modify the Existing Subdivision Approval: Remove the Requirement to Install Sprinklers (2012-074)** – to permit the construction of a home without the subdivision requirement of in-house sprinkler system installation at 49 Rock Ridge, Rural Residence zone.

**PLAZA AZTECA – CUD Detailed Plan Modification (2012-075)** – to install a patio at an existing restaurant and associated landscaping at 170 Slater Street.

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

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

**MANCHESTER COUNTRY CLUB INC. – Erosion and Sedimentation Control Plan (2012-078)** – for removal of trees and brush to improve conditions at the 11<sup>th</sup> hole green and 12<sup>th</sup> hole tee box and planting of various trees, shrubs and grass at 535 South Main Street, Rural Residence zone.

**GATEWAY LAUREN, INC. – Inland Wetlands Permit – Determination of Significance (2012-079); Inland Wetlands Permit (2012-079)** – for remediation of approximately 25 cu. ft. of contaminated soil beneath the outfall of a stormwater drainage conduit located in the northeastern portion of the property at 205 Spencer Street, General Business zone.

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

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

**AT&T – Special Exception Modification (2012-084)** – for minor modifications to an existing and previously approved wireless telecommunication facility including adding three panel antennas next to the existing antenna installations on the water tower and related equipment at 209 Buckland Hills Drive, CUD zone.

**TOWN OF MANCHESTER PUBLIC WORKS – Inland Wetlands Permit – Determination of Significance (2012-085); Inland Wetlands Permit (2012-085)** – for milling and replacing pavement along Tolland Turnpike between Buckland Street and Slater Street and incidental work including replacing existing catch basin tops and relocating guide rail within regulated wetland areas.

**TOWN OF MANCHESTER PUBLIC WORKS – Inland Wetlands Permit – Determination of Significance (2012-086); Inland Wetlands Permit (2012-086); Erosion and Sedimentation Control Plan (2012-087); Flood Plain Permit (2012-088)** – for reconstruction of approximately 5,000 linear feet of road to provide geometric, safety, and drainage improvements on Lydall Street from Vernon Street to the Vernon Town line.

The Chairman closed the business meeting at 9:05 p.m.

I certify these minutes were adopted on the following date:

September 19, 2012  
Date

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Joseph Diminico, Chairman

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