

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JULY 16, 2012**

ROLL CALL:

Members Present: Kevin Dougan, Vice Chairman
Andy Kidd, Secretary
Eric Prause
Horace Brown

Alternates: Anthony Petrone (sitting)
John Chaput (sitting for 2012-042 only)

Absent: Joseph Diminico, Chairman
Susan Shanbaum

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.

NEW BUSINESS:

CASTANHO & CLOUTIER DEVELOPMENT, LLC – for a six lot subdivision of single-family homes at 698 North Main Street – PRD Subdivision and Detailed Plan (2012-038); Erosion and Sedimentation Control Plan (2012-039)

Attorney Steve Penny, spoke on behalf of the applicant, regarding the subject property located at 698 North Main Street, which is the southerly side of the street just east of the intersection with Tolland Turnpike. The parcel is 2.258 acres in size and is a rectangular shape. The property is bounded northerly by North Main Street and easterly by an eighteen lot PRD subdivision of single-family detached homes accessed by Carolyn Drive and Kathleen Way. It is bounded southerly by land owned by the Penn Central Company and westerly by industrially zoned Stephen's Pipe & Steel Facility and a single family residence. He said the site currently houses a single family residence which would be retained as lot 1. The property is currently zoned PRD by a zone change approval granted on February 7, 2011. A rear lot, number 7 on the plan Attorney Penny displayed, was approved by the Commission as a special exception on May 16, 2011. Both water and sewer are available to the site, which also has access to electric, telephone, cable, and natural gas services. He said there are no wetlands or water courses on the site, nor is any development proposed within 100 feet of a wetland or water course.

Attorney Penny said the project consists of six new single-family detached residences, each on its own lot, in addition to the retention of the existing house on the site. The detailed plan is the same as the preliminary plan previously approved by the Commission with only minor modifications to the site plan. He said the proposed development is compatible with the comprehensive Plan of Development

for Manchester that shows the area as medium density residential, which is defined as four to six dwelling units per acre. The proposal is for three units per acre. It is also compatible with the goals of the housing element of the Plan of Conservation and Development. It is compatible with the PRD classification which permits up to four units of single-family detached housing per acre and is also compatible with the surrounding mixed use area, including the immediately adjacent Trestle Crossing PRD subdivision, also developed at three dwellings per acre, but which required much more relief from the dimensional requirements of the zoning regulations than is being sought for this development, he said. The lot sizes for this proposed development range from 0.211 to 0.335 acres. The dwelling units provide a range of 1,561 square feet to 1,796 square feet. Each unit will have a two-car garage and additional driveway parking spaces for at least four spaces per unit. The homes are colonial, ranch, and cape-cod designs with vinyl siding in a choice of colors. The front door colors will complement the siding, he said.

Mr. Robert Baltramatis, P.E., explained this application is for a six lot subdivision; seven if the front lot is included. He reviewed the overall property on the displayed map. Lot one was pointed out as was lot seven, which is a rear lot with access from North Main Street. The remaining five lots will have access off of Kathleen Way. There is presently a temporary cul-de-sac that will be eliminated and extended westerly. Lots two through six will be accessed via the cul-de-sac. Public utilities will be extended through Kathleen Way for lots two through six. Utilities for lots one and seven will be available from North Main Street. He said all utilities will be underground. With the extension of the water main, a fire hydrant will be added at the end of the new cul-de-sac. A new street light will be installed in the cul-de-sac area to match those on Kathleen Way.

Mr. Baltramatis said the grading on the site has a moderate 3% slope from the southeast corner to the northwest corner. The post development site will maintain that grade. He said stormwater drains off the site to the southeast and to the northwest. Stormwater to the northwest will be decreased and there will be a slight increase to the southeast. An existing drainage system belongs to the Town of Manchester with an outfall to the Hockanum River. Per the preliminary PRD approval, the Commission asked that the drainage outfall be evaluated. He said it was agreed that the detention of stormwater is not necessary. It is actually undesirable to hold the water back given the proximity to the Hockanum River. The outfall is in very good shape all the way to the river.

Mr. Baltramatis said the landscaping plan includes all of the lots. Stormwater management is achieved through the use of rain gardens on each lot. These are low impact development techniques that are supported by the Connecticut DEEP. He said rain gardens are basically miniature bio-retention basin. All of the roof water will be collected from the individual buildings and piped to the rain garden. The rain garden is a shallow depressed area with a special soil media and plantings, which knocks down the post development peak flows and enhances stormwater quality. In addition, the Commission asked that the buffer at the end of the cul-de-sac receive special attention. The buffer is a combination of taller evergreen in the back, fronted with lower growing shrubbery. He said sedimentation and erosion control measures meet the design requirements of the 2002 DEP Erosion Control Guidelines, including an anti-tracking apron, silt fence, and hay bale protection. The slopes on the site are relatively flat; mostly 4:1 slopes. There are very few 3:1 slopes but those will have erosion control fabric installed. Minor technical comments have been received from the Engineering Department and Mr. Baltramatis said those conditions are acceptable.

In response to questions from Mr. Prause, Mr. Baltramatis explained most of the activity will take place from an extension of Kathleen Way. An anti-tracking pad will be placed at the end of Kathleen

Way and at lot seven from North Main Street. Silt fencing will be placed along the perimeter of all activity. The total disturbed area is 1.5 acres.

Ms. Bertotti said Town staff has reviewed this application and there are minor and technical comments from both the Water and Sewer Department and the Engineering Department.

PRD Subdivision and Detailed Plan (2012-038)

MOTION: Mr. Kidd moved to approve the PRD subdivision and detailed plan with modifications as outlined in staff memoranda from Nick Francione, Civil Engineer, dated July 9, 2012, and Raymond Myette, Design Engineer, dated July 9, 2012 to Renata Bertotti, Senior Planner. Mr. Prause seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (2012-039)

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

COURTYARD MARRIOTT – for a non-material change to an approved CUD detailed plan to allow construction of a 5’ x 16’ shed at 225 Slater Street – CUD Detailed Plan Modification (2012-065)

Mr. Rodu Sanduku spoke on behalf of the applicant, Mr. Gustavo Diaz, for a permit for Courtyard Marriott, 225 Slater Street. He had a drawing that showed a 7’ x 8’ shed built on cement blocks with no footing or any foundation. He said the shed will be built with 2 x 4 walls and plywood, with 1½” Styrofoam and stucco to match the color of the existing building.

Ms. Bertotti said there is an application in Commission members’ packets for a shed that is 5’ x 16’. She stated the proposed shed was not drawn to scale, the actual proposed dimensions in the application are 5’x16’.

Mr. Dougan asked for an explanation of a non-material change.

Ms. Bertotti explained the regulations are specific as to what can be approved administratively, subject to approval by the Chairman and the Director of Planning. There is another level of application that would need to go to the Commission but does not require a public hearing, in which this application meets the criteria. If it is not specifically stated as something that can be approved administratively, the application defaults to the Commission. This application is for the addition of an accessory structure, which is not something under the current regulations that can be explicitly approved administratively. Ms. Bertotti said she is not sure if the statement made by the applicant’s representative is correct or if the application is correct. The application is for a shed that is 5’ x 16’ to be located behind the Marriott between two walls. It will not be visible from either the street or neighboring businesses. She has been told it is supposed to match in color and material, but it is unclear exactly which of the two wall colors and materials the shed will be matching.

Mr. Sanduku said the shed will match the wall of the building itself.

In response to questions from Mr. Brown, Mr. Sanduku said the storage shed will be 2’ higher than the existing wall in the front and sloped down to the existing roof toward the back. The hallway referred to on the plot plan is an outside area between two uncovered walls. The shed is 8’ from the hotel.

In response to a question from Mr. Brown, Ms. Bertotti said approvals from the Building Department and the Fire Marshal are still needed. The applicant still needs a building permit and this application will be reviewed by the Fire Marshal at that point.

In response to a question from Mr. Dougan, the applicant stated there is asphalt in the space between the Marriott and TGI Friday's next door.

In response to a question from Prause, Mr. Sanduku said the shed will be painted the same color as the existing building; the walls of the hotel and the roof will match the existing aluminum roof.

Ms. Bertotti said Town staff has no outstanding staff comments.

CUD Detailed Plan Modification (2012-065)

MOTION: Mr. Brown moved to approve the CUD detailed plan modification. Mr. Kidd seconded the motion and all members voted in favor.

110 BUCKLAND HILLS, LLC – for a non-material change to an approved CUD detailed plan to change the front entrance of an existing restaurant at 110 Buckland Hills Drive – CUD Detailed Plan Modification (2012-066)

Mr. Sheldon Crosby, L'arc Architects, represented the owners of Market Grill describing minor modifications they are proposing to the plans approved by the Planning and Zoning Commission on June 18, 2012.

On the plan he displayed, Mr. Crosby pointed out the front entrance on the side of the building and said he would like to move it around the corner to another side. At present, the area to be used as a front entry used to be a brew vat. He said a number of discussions were held with Town personnel as well as the State Liquor Commission. Due to those discussions, some changes to the interior were required that forced the applicant to look at the main entry in greater detail. A liquor store room will be required to service the bar area. Therefore, it is more important to move the entry closer to the patio seating. That change required some other alterations, including an additional exit door for a total of three, which Mr. Crosby pointed out on the plan. The colors will remain as presented with the previous application. The stonework will carry through the patio, and awnings will be red and black striped. The patio, landscaping and parking all remain the same. The number of seats both on the interior and the exterior will be reduced for a total of 287. The canopy will remain over the old front entry. A wall will be built underneath and a meeting room will be erected. A couple of signs will also be added, he said.

Mr. Brown, referring to Plan A-0-1, said the southeast corner of the building appears to show 4 round tables with 6 seats at each table. Mr. Crosby said those are not tables; it is a mistake in the plan.

Mr. Brown noted the number of outside seats is not being counted toward the parking requirements; this is something the Commission needs to address in the near future. Mr. Dougan agreed that Mr. Brown's concern will not affect this application and said he is willing to address that in the future.

In response to questions from Mr. Dougan, Mr. Crosby said outdoor seating was reduced by 20 seats and indoor seating was reduced by 20 seats. Original seating was 325 and is now 287 total. There are now 226 parking spaces rather than 225. Handicap spaces were relocated from the north to the west.

There are two handicap spaces on the east side of the building by the staff entrance. Mr. Crosby said those spaces can be moved closer to the main entry and Mr. Dougan agreed that was a good idea. Mr. Crosby said he can resubmit the site plan.

Mr. Pellegrini said that type of change can be approved by him and the Chairman after the Traffic Engineer looks at the plan.

In response to questions from Mr. Prause, Mr. Crosby said he will make sure the landscaping on the west side is pulled back closer to the tables so as not to cause a problem on the sidewalks. There will be low vegetation on the north side of the building as he suspects people will try to use the old entrance for the first year or so.

Ms. Bertotti said Town staff has no outstanding comments.

CUD Detailed Plan Modification (2012-066)

MOTION: Mr. Kidd moved to approve the CUD detailed plan modification with a modification to remove four incorrect tables from plan A-0.1. Mr. Brown seconded the motion and all members voted in favor.

MANDATORY REFERRAL REPORT – Acquisition of 640 & 660 Spring Street (2012-070)

Mr. Pellegrini explained the Town applied to the State of Connecticut for a grant to acquire three properties on Case Mountain as part of the State's Open Space and Watershed Land Acquisition Program. These properties are on Case Mountain and are familiar to the residents of the community. The Planning and Zoning Commission is being asked to make a mandatory referral report and recommendation on the acquisition of these properties. The recommendation will not only be a mandatory referral to the Board of Directors (Board), but will also be included in the application to the DEEP.

Mr. Pellegrini highlighted the properties on a displayed map. The first is 640 Spring Street, owned by Mr. Andrew Andalsi, Jr. The parcel is a little over four acres and is currently a vacant property which was wooded until a fairly substantial stand of hemlocks was removed several years ago because of the blight. The property has about 400' of frontage along Spring Street. It is the wooded area if you are travelling west to east on the right hand side leading up to the main parking area, he said. The Town recently installed some parallel parking along this frontage. The other property is 660 Spring Street, which is larger at about 22 acres. Mr. Pellegrini said the property includes Lower Case Pond, the dam and the bridge and spillway over Highland Park Falls, as well as a series of stone walls along the carriage path along the Upper Pond and partway up the other trail up the mountain through the property. There has been no other development or disturbance in this large open area, he said. It is the significant trail head and entryway into the Case Mountain hiking trails. The walkway most people now use, as well as the parking area, is actually on 660 Spring Street.

Mr. Pellegrini said both of these properties are important as part of the Town's long term strategy to control all of the land in the Case Mountain open space and recreation area. The original purchase was about 234 acres. The Town has since acquired, either through purchase or subdivision, 280 additional acres. The small little notch he pointed out is owned by the Manchester Land Trust. The purchase is consistent with the Town's Open Space and Future Open Space Acquisition Plan. There is also a Land Acquisition Advisory Committee appointed by the Board. He said that committee advises the Board

on the use of Open Space Bond funds, which will be used to match the grant. The acquisition of these properties is consistent with the Town Plan of Conservation and Development. He said it is arguably one of the most important acquisitions because of the many historic features it contains, as well as the large land area that is at the major entry to the Case Mountain Recreation Area. It is consistent with the Board's Land Acquisition and Policy Guidelines and the Land Acquisition Advisory Committee's Acquisition Map as well.

Mr. Prause said he thought this acquisition meets the intent of the Plan of Conservation and Development as the parcel known as 660 Spring Street was identified as a desired parcel. Mr. Kidd agreed that this acquisition is in keeping with the Plan of Conservation and Development. He asked for an explanation of the funding.

Mr. Pellegrini explained the State has a grant program that will pay up to 60% of the purchase price; the balance will come from the Town's Land Acquisition account.

Mr. Brown commented that these are terrific acquisitions. Mr. Petrone agreed; this fits in with the Plan of Conservation and Development and adds to the Case Mountain area.

Mandatory Referral (2012-070)

MOTION: Mr. Prause moved to make a favorable recommendation to the Board of Directors to acquire 640 & 660 Spring Street for open space and recreation at the Case Mountain Recreation Area. Mr. Kidd seconded the motion and all members voted in favor. The reasons for the favorable recommendation were the proposal is consistent with the Town's Plan of Conservation and Development; the parcels were specifically identified in the Plan as proposed extensions to the Town's open space system; and the parcels meet elements of the Town's Land Acquisition Policy and Guidelines.

MANDATORY REFERRAL REPORT – Acquisition of 716R Spring Street (2012-071)

Mr. Pellegrini explained this parcel is in the same location on the southern face of the Case Mountain Recreation Area. The parcel is a little over 8 acres with frontage along the Upper Case Pond. This is an intervening parcel between the Ansaldi parcel and 716 and 728, which are numbers for the Carriage House and the Log Cabin located on Upper Case Pond. The acquisition would be consistent with the overall goal of creating a continuous open space area, network of trails and recreational areas on Case Mountain. This particular parcel was not identified specifically in the Town Plan of Conservation and Development Future Open Space Map, but because of its location contiguous to other municipally owned properties, it is an essential acquisition and the final piece of the acquisition puzzle on the southern side of Case Mountain, he said. It is consistent with the overarching goal of creating that unified publically controlled open space in this location. This parcel is specifically identified on the Land Acquisition Map of the Land Acquisition Advisory Committee.

Mr. Kidd said he thought it will be good to purchase this property as it knits together a major area. He raised a question about the maintenance of the property because he noticed a tree hanging precariously over a trail, which seemed like a hazardous situation to him.

Mr. Pellegrini explained the Town occasionally sends forces out and the Conservation Commission has volunteers that also help out. The Department of Public Works has made some observations that resulted in contracting with a private company to remedy the more dangerous situations.

Mr. Kidd said it seems a little haphazard with all of the different entities involved. Mr. Brown said it may help to clarify some of that when the Town becomes the owner.

Mr. Dougan commended Mr. Ansaldi for making this property available for purchase.

Mr. Prause wondered why this parcel was not specifically identified as a desired parcel. Mr. Pellegrini did not know the answer to that specific question. It is the overall intent to control the entire Case Mountain area so this purchase would be consistent with that overall goal.

Mandatory Referral (2012-071)

MOTION: Mr. Prause moved to make a favorable recommendation to the Board of Directors to acquire 716R Spring Street for open space and recreation at the Case Mountain Recreation Area. Mr. Kidd seconded the motion and all members voted in favor. The reasons for the favorable recommendation were the proposal is consistent with the Town's Plan of Conservation and Development and the parcel meets elements of the Town's Land Acquisition Policy and Guidelines.

OLD BUSINESS:

RP BUILDING CONTRACTORS, LLC – Special Exception (2012-042) – for outside storage of salt in a carport structure and outdoor storage of snow plows and miscellaneous equipment at 66 Sheldon Road, Industrial zone.

Mr. Brown recused himself from this application. Mr. Chaput sat in his place.

Ms. Bertotti explained that at the last meeting the applicant was not present and she had recommended the Commission deny this application due to insufficient information submitted for review. She has received an original application with a set of plans. After review, comments were submitted to the applicant. She said no responses were received. The Town Engineer noted there is a storm sewer near the area where salt storage exists. This application is to store winter materials, such as salt and sand, under a structure made of stacked cement blocks with a hoop structure over it. In addition, the applicant would also like to store equipment such as trucks and plows on site. It was not shown on the plans where the equipment would be stored. Many questions were asked of the applicant and no responses were received after several attempts to contact him. At the last meeting, Commission members decided to leave the hearing open to give the applicant a chance to appear before the Commission.

Mr. Pellegrini said at 4:00 p.m. that afternoon, the department secretary received an e-mail from the applicant stating he will be vacating the property in October. Mr. Pellegrini said currently there is outdoor storage at the property and the applicant is in violation. The Zoning Enforcement Office received a complaint and issued an Order of Remedy. In response to that, the applicant submitted the application before the Commission. It does not appear the applicant will be submitting additional information, but plans to vacate the property when the lease is up.

Mr. Kidd said it is inexcusable that the applicant is not here and notified the department at the 11th hour of his ambiguous intentions. Mr. Kidd is not in favor of extending this application.

Mr. Prause said the situation is an existing violation. He cannot give the benefit of the doubt to the applicant if others are aggrieved by it.

Mr. Chaput agreed with his colleagues. The Commission has been more than fair and has given the applicant ample opportunity to provide information. Mr. Petrone agreed as well.

Mr. Dougan asked if there is a requirement that the applicant or his delegate be present.

Ms. Bertotti said an applicant cannot be forced to come to a public hearing. The statutes do require that the Commission closes the public hearing within 35 days if there is no extension.

Mr. Pellegrini explained that failure to appear is not reason to deny. The reason would be that the criteria have not been met and the request for additional information was ignored. The language in the applicant's most recent e-mail asked for an extension of time and stated he was vacating the property in October when his lease is up.

Special Exception (2012-042)

MOTION: Mr. Prause moved to deny the special exception. Mr. Kidd seconded the motion and all members voted in favor. The reasons for the denial were the application as submitted is incomplete and the proposal does not meet the special exception application criteria.

APPROVAL OF MINUTES:

May 21, 2012 – Public Hearing/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:

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

The Chairman closed the business meeting at 8:53 p.m.

I certify these minutes were adopted on the following date:

October 15, 2012
Date

Joseph Diminico, Chairman

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