

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 15, 2013**

ROLL CALL:

Members Present: Andy Kidd, Vice Chair
Horace Brown, Secretary
Michael Stebe

Alternates: Susan Shanbaum

Absent: Eric Prause, Chair
Chirag Thaker
Anthony Petrone

Also Present: Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
and Wetlands Agent
Ginger MacHattie, Recording Secretary

Time Convened: 7:00 P.M.

NEW BUSINESS:

HAYES FAMILY LIMITED PARTNERSHIP – for excavation, site preparation, and grading for future development at 75 Buckland Street, Business V and Design Overlay zones- Erosion and Sedimentation Control Plan (2013-001); Excavation Permit (2013-002)

Attorney Leonard Jacobs spoke on behalf of the applicant. The application is for an excavation permit and approval of a soil and erosion sediment control plan on property located at 75 Buckland Street, which is east of Buckland Street and south of Red Stone Road. The topography on the property needs to be corrected before the applicant can offer it for sale, he said. The excavation work proposed will make the site suitable for development. The applicant proposes normal site preparation and grading. He said the property will be leveled and after excavation, topsoil will be replaced and the site will be fertilized and seeded.

Mr. Randy Becker, Professional Engineer, reviewed the soil and erosion control plan. He said the existing catch basins will be protected with silt sacks and hay bales. The property is quite steep. Vehicles will enter from Buckland Street where a tracking pad will be placed. Excavation will be done with trucks entering from Buckland Street and traveling in an “L” pattern exiting at Red Stone Road. All slopes that are steeper than 3:1 will be protected with erosion control mats. He said the applicant plans to use the fire hydrant located on Buckland Road. Trucks will enter from Buckland Street, be loaded and exit from Red Stone Road where another tracking pad will be placed. A silt pool will be located in an area in the center of the property and will be used to contain rainwater. It will drain into a corner catch basin, he said.

In response to questions from Mr. Kidd, Mr. Becker explained that the topsoil will be removed and stockpiled. Approximately 6' to 8' of soil depth will be removed. Fracturing and/or blasting will be used to remove shale. The maximum anticipated excavation is 1,000 yards per day, which will require about 60 trucks per day. He said the excavation process should take approximately 45 days.

In response to questions from Mr. Brown, Mr. Becker said there will be a chain link fence surrounding the property. The silt pool can contain up to 150,000 gallons of water. If it does get full, water will decant into the protected corner catch basin.

Attorney Jacobs explained that the applicant has completed a similar project, though on a much larger scale, on the same road in the past. If Commission members have any questions about the process, he is here to answer questions.

In response to a question from Mr. Stebe, Attorney Jacobs said any materials that have been blasted will be taken off site to crush.

In response to questions from Mr. Brown, Attorney Jacobs said the completed pad will be about 1' higher than Buckland Street. He anticipates entrances and exits off both Buckland Street and Red Stone Road but at this point there is no anticipated buyer.

Mr. Kidd expressed a concern about traffic and the addition of 60 trucks per day in that area. That amounts to one truck every 8 minutes. He asked about impact on traffic.

Mr. Becker explained that 60 trucks per day is the maximum; it may be fewer trucks per day, especially in the beginning of the project. He expects 20 to 60 trucks a day, depending on conditions.

Ms. Bertotti said Town staff has reviewed this application and one modification is recommended by the Water and Sewer Department if the Commission chooses to approve this application. She said the Engineering Department recommended that the owner of this property work with the neighboring property owner to establish a grading easement so the properties are not divided by a steep wall.

Mr. Kidd said his only concern is the length of excavation. He is aware of decade long excavation on other sites. This applicant has testified that the duration of excavation for this project is about 45 days and wondered if there is a way to put a time limit with approval.

Mr. Brown suggested setting a limit on the length of excavation of 60 days. Attorney Jacobs said he did not think that would be a problem.

Mr. Rich Hayes, Hayes Family Limited Partnership, said he did not think a grading easement is appropriate at this time. He said he has met with his neighbor twice and had conversations with him on the telephone. The house on the neighboring property is being rented to two different families. Mr. Hayes said he completed a similar, but much larger, project in 17 weeks in 2004. He is confident this project can be completed within the 60 day timeframe.

Erosion and Sedimentation Control Plan (2013-001)

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

Excavation Permit (2013-002)

MOTION: Mr. Brown moved to approve the excavation permit with modifications outlined in a staff memorandum from Bernard Kalansuriya, Design Engineer, dated April 8, 2013 to Renata Bertotti, Senior Planner; and with the condition that the excavation and removal of earth products will be completed 60 days from the beginning of excavation. Ms. Shanbaum seconded the motion and all members voted in favor. The reason for the approval was the proposed excavation and removal of earth products is normal site preparation and grading for future development.

HAYES & HAYES, LLC – for construction of self-storage buildings, parking and associated site improvements at 169 Red Stone Road, General Business zone – Special Exception (2012-128) – request for extension until May 6, 2013; Erosion and Sedimentation Control Plan (2012-129) – request for extension until May 6, 2013

Special Exception (2012-128) – request for extension until May 6, 2013

MOTION: Mr. Stebe moved to grant the request for extension until May 6, 2013. Ms. Shanbaum seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (2012-129) – request for extension until May 6, 2013

MOTION: Mr. Stebe moved to grant the request for extension until May 6, 2013. Ms. Shanbaum seconded the motion and all members voted in favor.

BROAD STREET REDEVELOPMENT PLAN AMENDMENT – Determination of consistency with the Town’s Plan of Conservation and Development

Ms. Bertotti said the Manchester Redevelopment Agency (Agency) has requested several amendments to its Broad Street Redevelopment Plan (Plan). She reviewed the history of the project, which resulted in the Plan being officially adopted in 2009. The Agency would now like to amend several sections. The Planning and Zoning Commission is required to review the proposed amendments and issue its opinion.

Ms. Bertotti said the revisions will put the Agency and the Town of Manchester in a better position to implement the existing Plan. The Plan’s vision, design principles, and fundamental elements will not change. She displayed the current land use designation map and explained that the Agency is proposing several changes to the Plan, including changing the designation of Green Space to Natural Recreational for consistency.

Ms. Bertotti pointed out two parcels on the map she displayed; 416 Middle Turnpike West, the Parkade Cinema parcel, and a parcel south of Bigelow Brook and east of Broad Street, which is an auto repair property. The Agency is recommending these two parcels be placed in Phase I of the Plan so that redevelopment bond funds can be utilized in association with development of these properties.

Ms. Bertotti pointed out land located south of Little Street and east of Broad Street and explained they were originally designated Green Space (now Natural Recreational). She said the Agency is proposing to change the land use designations on these parcels, as well as 357 Broad Street, to Mixed Use with Civic Option.

Ms. Bertotti said there are also several changes in the text of the Plan as well as its Executive Summary. The Agency is proposing that language be added to describe the Mixed Use with Civic Option as well as the Residential with Civic Option. Describing these land use designations in better detail will better prepare a potential developer, she said. Another amendment is the addition of language to broaden the description as to why certain properties are strategically very important in the Plan implementation. In addition, the Agency is also proposing language be added in the implementation section of the Plan, which would clarify that the Agency may acquire property as well as property rights, when those are essential to the Plan implementation and without which Plan implementation would be inhibited.

Ms. Bertotti said the Agency also proposes adding three parcels; 296 Broad Street, 416 Middle Turnpike West, and 357 Broad Street to Table A: Possible Properties to be Acquired or From Which Rights to be Acquired, which means the Agency will be able to use redevelopment bond funds for these properties and development on them. There are currently some negotiations between the owner of 296 Broad Street and the owners of 416 Middle Turnpike West about acquiring either the property rights or the property. There is currently no negotiation with the owners of 357 Broad Street, but that property was added to the table because of its proximity to that transitional space.

These proposed amendments do not change the essence of the Plan. The Planning and Zoning Commission is required to issue an opinion on the proposed changes. Staff recommends supporting the amendments to the Plan because they do not materially or substantially change the main elements of the Plan. The Commission is required to make a finding of the consistency between the Plan as put forward with these revisions included and the existing Town Plan of Conservation and Development. Staff recommends the Commission finds that these two Plans are consistent with each other.

Mr. Tim Devanney, Redevelopment Agency Chair, explained that some issues came up recently while trying to go out for a Request for Qualifications (RFQ). There has been a lot of back and forth on the parking lot between the Cinemas and the Parkade, he said.

Determination of Consistency with the Town's Plan of Conservation and Development

MOTION: The Planning and Zoning Commission supports the proposed amendments to the Redevelopment Plan because the amendments do not materially or substantially change the original intent, purpose, or goals of the adopted Broad Street Redevelopment Plan, and serve to both clarify the intention for certain development or redevelopment areas, and strengthen the position of the Agency and the Town as far as their ability to carry out the recommendations and achieve the vision and principles of the Redevelopment Plan.

Mr. Brown moved to find that the Broad Street Redevelopment Plan amendment is consistent with the Town's Plan of Conservation and Development, Manchester 2020, based on the number of goals and objectives the Broad Street Redevelopment Plan meets in terms of the growth management principles of Manchester 2020.

Specifically, the Redevelopment Plan is consistent with:

Growth Management Principle 3: Redevelop and Revitalize Existing Commercial Centers and Areas of Mixed Land Use;

and with the following goals and objectives from the Manchester 2020 Plan:

Goal I: Redevelop and Invest in Existing and Potential Corridors and Activity Nodes

Goal III: Enhance Connectivity Between Housing, Amenities and Services

Goal IV: Increase the Supply of a Diverse Housing Stock to Meet the Needs of all Residents

Goal XI: Preserve Manchester's Existing Housing Stock

Mr. Stebe seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Mr. Bordeaux has issued a Notice of Violation for unpermitted activity within the wetlands regulated area. A new obstruction has been placed in a watercourse at Lydallwoods Colonial Village without the filing of wetlands application. Mr. Bordeaux met with the property owners and requested the obstructions being removed. This should be the end of the violation. He included photographs in his memorandum to Commission members to show the before and after conditions.

APPROVAL OF MINUTES:

October 15, 2012 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written with one correction on page two, fifth paragraph from the bottom of the public hearing minutes, which should read "said that" instead of "this is". Ms. Shanbaum seconded the motion and all members voted in favor.

December 5, 2012 – 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:

555 MIDDLE TURNPIKE, LLC – Special Exception (2013-020); Erosion and Sedimentation Control Plan (2013-021) – for a proposed parking lot for an adjacent property at 555 Middle Turnpike East, Special Design Commercial zone.

The Acting Chairman closed the business meeting at 8:25 p.m.

I certify these minutes were adopted on the following date:

August 12, 2013
Date

Eric Prause, Chairman

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