

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
FEBRUARY 20, 2013**

ROLL CALL:

Members Present: Eric Prause, Chair
Andy Kidd, Vice Chair
Michael Stebe

Alternates: Susan Shanbaum (sitting)
John Chaput (sitting)

Absent: Horace Brown
Anthony Petrone

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner

Time Convened: 7:18 P.M.

NEW BUSINESS:

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – for revisions to Article II Section 16 to move some uses that currently require special exception approval to permitted uses and revise the requirements for permitted and special exception uses – Zoning Regulation Amendment (2012-124)

Zoning Regulation Amendment (2012-124)

MOTION: Mr. Kidd moved to approve the zoning regulation amendment to revise the zoning regulations at Article II Section 16 – Industrial Zone to be effective on March 18, 2013 with the modification to correct the typographical error on page 12, Section 16.16(h) to read “Accessory Outdoor Storage of Materials or Products”. Ms. Shanbaum seconded the motion and all members voted in favor. The reasons for the approval were the proposed regulation amendment addresses the recommendation of the Economic Development Commission to streamline the permitting process, and is consistent with the goals and objectives of Growth Management Principle 3 of Manchester’s Plan of Conservation and Development, incentivize adaptive reuse of vacant and underutilized sites and buildings.

EVERGREEN CROSSING, LLC – 325 New State Road – for a 224-unit multi-family residential community at 325 New State Road, PRD zone – Inland Wetlands Permit – Determination of Significance (2012-120)

Attorney Stephen Penny spoke on behalf of the applicant, Evergreen Crossing, LLC, subject site 325 New State Road. The property is located on the westerly side of the road to the rear of a number of commercial properties, mid-way between the Hockanum River to the south and Tolland Turnpike to the north. He said the parcel is 29.9 acres and bounded northerly by land

owned by Builder's Concrete, easterly by eight commercial properties fronting on New State Road, southerly by land owned by the Town of Manchester which contains public water supply wells, and westerly by I-84. He said the site was used for agricultural purposes until 2008 and contains two barns, but is otherwise undeveloped. It consists mostly of flat agricultural fields with a wooded area to the south. It is currently zoned Planned Residence Development. Both public water and sewer are available to the site, in addition to adequate telephone, cable and electrical service. Access is provided through a 427' wide strip of the parcel that fronts on New State Road. There is additional access via an easement on the north side of the property. At the south end of the property there are two wetlands hydrologically connected to the Hockanum River. Two other wetlands exist in the northwest and central northeast corners of the property. The wetland area totals 2.1 acres. The project, named The Broadleaf, features 224 apartment units in six buildings, with associated driveways, surface and carport parking for residents, additional guest parking, and amenities including a pool, clubhouse, and recreation open space areas.

Mr. Phillip Forzley, P.E., displayed a map of existing conditions on the subject site and oriented Commission members to the map. The site slopes from north to south (right to left on the map) toward the Hockanum River area. Mr. Forzley pointed out the two larger wetlands on the site. Most of the sight is fallow agriculture land. He pointed out the two tobacco barns. The site is served by public water and sewer. Water is through New State Road and sewer is through Adams Street and will be accessed through a right of way. Storm drainage will be following existing grades. On the next plan displayed, Mr. Forzley pointed out the wetlands, highlighted in blue. There are two larger areas, a small pocket near I-84 and two isolated pockets in the farm field. The total wetlands disturbance will be just over 19,000 square feet. Of that, 18,800 square feet is due to mitigation in the wetlands area. He said there is a lot of debris that will be removed and some plantings and micropools will be added in an effort to clean up the wetlands and provide a better wetlands system. About 1,000 square feet is the northerly wetland pocket in the farm field, which will be eliminated, he said. The stormwater management system on the site consists of water quality basins, which he pointed out. The purpose is to clean up run-off from pavement as it leaves the site before it enters the wetlands. Roof water is consider clean water and will be infiltrated into a series of infiltration basins, which Mr. Forzley pointed out on the plan. He said the stormwater management system is using the treatment train approach, with deep catch basin sumps, hydrodynamic separators, water quality basins planted with wetland species, and eventually the wetlands system. Erosion control takes wetlands, the Hockanum River, and the Town's water supply into consideration. A plan was submitted to the State Department of Health, Water Supply Section, regarding the design of the water quality basins. The site is flat and there should not be impact to the wetlands from erosion. He said silt fence will be placed around the perimeter of the site, temporary sediment traps will be used during construction, and included in the plans is a detailed construction sequence as well as a detailed erosion and sedimentation control sequence.

Mr. Bob Russo, soil and environmental scientist, noting an area on the proposed site plan, stated the area has a long history of agricultural use. In the very south end of the site is some forested cover, but the rest of the site was used for agriculture. In 2008, a wetlands delineation was completed. He pointed out several wetlands areas that were delineated at that time. He said a couple of years later, it became apparent that the hydrology in the wetland areas in the agricultural field had changed; they just were not as wet. As a result, those areas were redelineated and the wetland areas shrank. He displayed pictures from 2008 showing the wetland areas and noted an area to the left center of the frame showing some puddling or ponding of

water. Typical agricultural practices may compress areas of topsoil. He said it is apparent that is what happened here. Upon revisiting those areas, once weedy species moved in and loosened up the soil again, the areas were significantly drier. The soils under the topsoil in this area are very sandy and gravelly, which is consistent with what is mapped. The areas have been shrunk when the agricultural practices were no longer in place, he said.

Mr. Russo explained that before a development is laid out, the wetlands are looked at for their functions and values. The wetlands to the south are wooded with a well developed tree canopy and shrub areas. They are fairly well developed wetlands with typical functions. He noted that both wetlands were created by excavating and have been used for dumping. Looking at the wetlands in the agricultural area he noted that they do not provide habitat value nor do they provide a significant amount of flood storage. He said they do not serve primary functions. In contrast, the wetlands to the south have wildlife habitat value and have value in removing sediments and nutrients that may be running off the agricultural fields. These have significant wetlands value, he said. As Mr. Russo walked the wetlands on site and saw the presence of some debris, he saw the opportunity for some mitigation and improvement of those wetlands. It would be feasible to clean out debris, control invasive species, and install some plantings for expansion that would enhance the function of those wetlands. Mr. Russo believes the loss of the small existing wetland in the agricultural field does not constitute significant activity. In addition, because the larger wetland area will be restored, Mr. Russo does not believe that constitutes significant or negative impact as they are being enhanced.

In response to a question from Mr. Prause, Mr. Russo said the agricultural field wetlands went from one 9,600 square feet area to two separated wetlands totaling 2,400 square feet. He indicated those areas on the map he displayed. In addition, another wetland area was originally 17,500 square feet and was reduced to 3,900 square feet.

Mr. Robert Sonnichsen, environmental engineer, explained that when he and Mr. Russo looked at the existing wetland system on the site, they looked at a way to improve the most valuable wetland systems on the site. The project is an upscale residential community. People will be interested in the natural environment surrounding them. He said the southern wetlands have some significant habitats and representative species growing in them. In addition, there is a lot of debris from being an old farm dump and really needs an enhancement plan that will make the feature attractive, educationally valuable and have improved functional value. The primary items being proposed are focusing on the northern of the two existing wetlands. He said both are manmade but the northern wetland was excavated with no outlet. The second wetland system does have an outlet at the southeastern corner, which flows to the Hockanum River. Both systems are interconnected, probably by ground water flow, and are flowing toward the Hockanum River and are both part of the Hockanum River system. He is proposing to take the existing wetland area, 18,806 square feet, and expand it by 8,712 square feet. Excavating will take place in upland areas adjacent to the two end pods of the wetland system. No significant excavation will take place in the existing wetland system; however, three small micropools will be excavated to encourage more regular standing water. He is proposing an aggressive planting plan, both in the upland review area and in the wetland area. The existing invasive species will be removed from the wetland area, he said. Cleaning up all manmade debris and completing the variety of plantings will be a significant enhancement of this wetland system. The system will be monitored for at least three years for sustainability.

Mr. Sonnichsen explained a high level overflow will be provided so the northern wetland can drain and flow into the more southern wetland, which has its own natural outflow. There is a proposed walking trail along the northern edge of the wetland system. He said there has been discussion of providing educational placards as well. The project will include a connection to the Hockanum River Trail, encouraging an active adult community.

In response to questions from Mr. Prause, Mr. Sonnichsen said planting will be done during dry periods. Soil will be excavated in a controlled manner. The overflow will not be connected until everything is stabilized in that northern area. There will be a natural isolation during the construction process that will protect the Hockanum River from overflow. Mr. Sonnichsen said there will be no potential impact whatsoever to the public wells. The work will not involve any materials that will have any potential impact to the wells. The infiltration characteristics will not be changed. Stormwater runoff to the two systems flows over land to the Hockanum River and bypasses the wells. The water coming off the site will be clean entering the systems.

Mr. Forzley added the State Health Department required that the water quality basins be lined with impermeable liners. Typically water quality basins are designed with infiltration in mind. He said the State does not want any water infiltrated, which is an added protection to the ground water in the area.

In response to a question from Mr. Kidd, Mr. Forzley pointed out the pocket wetland that will be eliminated. It is currently 1,079 square feet and it will be eliminated. That area will become a water quality basin for water from the pavement.

Mr. Russo added that the 1,079 square foot area currently has weedy species growing in it. To most people's eye it is hard to tell the difference between this area and the rest of the field. It is not immediately apparent that the area is wetlands. He said it is much drier than it was in 2008. Once the area was no longer used for agriculture, the weeds sent roots out and redistributed the soil, improving it so the water could infiltrate again. The area then began to lose the wetlands characteristics and that is why they shrank. In addition, no primary or secondary wetland functions could be associated with this area.

Attorney Penny referred to a memorandum dated February 14 from Matt Bordeaux to the Commission that sets forth the regulatory standards for making a finding of significant impact and said that despite the overall size of this project, none of the proposed activities within the regulated areas meet the criteria that would lead to a determination of significant impact. Attorney Penny stated there is no deposition or removal of material in upland review areas that would have a substantial effect on wetlands or watercourses. No such deposition in wetlands and the removal of material that is proposed in wetlands will renew the functioning of the wetlands. No natural channel will be altered and the natural dynamics of the flow of water in wetland areas will be restored and/or elevated. The natural capacity of the southern most wetlands to support aquatic, plant, or animal life and to function as wetlands are intended to function environmentally, will be enhanced. Extensive and redundant systems have been designed to avoid causing substantial turbidity, siltation, or sedimentation in the wetlands. The ground water levels of the wetlands will be augmented, not diminished, by the introduction of clean water from elsewhere on the site. Not only will no pollution of the wetlands occur, but past injustices to the wetlands will be rectified. No activity on the site will destroy a unique wetland or area having demonstrable scientific or educational value. These will be enhanced. Attorney Penny said the only wetland to be eliminated, one in the central northeastern portion of the site, was

born of agricultural compaction and is already rapidly dying a natural death with the agricultural activities having ceased. Attorney Penny stated the intended activities in the wetlands and upland review areas will improve upon their performance as wetlands. The members of the Manchester Conservation Commission, before whom the applicant has appeared twice, were satisfied with the wetlands proposal before the Planning and Zoning Commission and were particularly pleased with the mitigation plan to enlarge and enhance the functioning of the more superior wetlands on the site. The Town's Environmental Planner has concluded that the proposed activity will not diminish or inhibit the existing functions of the wetlands, but rather should enhance some of their natural capacities.

Mr. Kidd said he believes there is substantial activity in the wetland, not that it is negative, but it is still substantial. This is to be looked at in the context of whether a public hearing should be held or not. A significant amount of work will be taking place in the wetland and he thinks it should be considered for a public hearing.

Attorney Penny pointed out that of the 19,000 square feet of activity in the regulated area, 18,000 square feet is for the mitigation plan to substantially improve the functioning of the more significant wetlands on the site, which are the southernmost wetlands. This leaves approximately 1,000 square feet, which is the size of the wetlands being eliminated.

Mr. Kidd said he was not as worried about the small portion of wetlands being eliminated as he was about the significant amount of activity in the other higher quality wetlands area. He said much of the activity is to clean up the wetland area, which will be an improvement, but it is still significant activity.

Mr. Russo referred to Section 3.2 of Manchester's Regulations, which gives an indication of the real goal. He read that section to Commission members. He said his interpretation of what is being done with restoration is exactly what it says in Section 3.2, conservation of soil, vegetation, and water. The effort being made is to take a wetland that has been disturbed and perform conservation activities; planting plants, improving the habitat value, placing things within the wetland that are going to increase the wildlife habitat value, the plant diversity, the biodiversity of that small system, and the regulations of the Town consider that a non-regulated use, which to Mr. Russo means that it would not be a significant activity.

Mr. Sonichsen explained that there is a detailed construction sequence on the wetlands mitigation plan which basically describes the procedures to be followed to protect against any negative environmental impact during the activity related to the creation of this enhancement. The upland will be excavated and only small micropools will be excavated in the wetlands area. The wetland is isolated and has no outflow, he said.

Mr. Prause has been interpreting the requirements as to whether, at the end of the project, there will be negative impacts on turbidity and natural flow of the watercourse.

Mr. Pellegrini referred to the Title and Authority portion of the regulations, and noted that the nature of the regulations is to protect and to avoid unnecessary damage and destruction to wetlands. The significant impact section, except for A, pretty clearly indicates that the Commission is looking to make sure that there is not a negative impact to the wetlands.

Inland Wetlands Permit – Determination of Significance (2012-120)

MOTION: Mr. Stebe moved to find the proposed activity would not cause a significant impact to the wetlands and will not require a public hearing. Mr. Chaput seconded the motion and Mr. Prause and Mr. Chaput voted in favor of the motion. Mr. Kidd, Mr. Stebe and Ms. Shanbaum voted against the motion. The motion failed two to three.

MOTION: Mr. Kidd moved to find the proposed activity would cause a significant impact to the wetlands, as defined in Section 2 Definitions Subsection (30) a. of the Inland Wetlands and Watercourses Regulations of the Town of Manchester, and will require a public hearing. Ms. Shanbaum seconded the motion and Mr. Stebe, Ms. Shanbaum and Mr. Kidd voted in favor of the motion. Mr. Chaput and Mr. Prause voted against the motion. The motion passes three to two.

The Chairman closed the business meeting at 8:59 p.m.

I certify these minutes were adopted on the following date:

June 3, 2013
Date

Eric Prause, Chairman

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