

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
OCTOBER 20, 2014**

**ROLL CALL:**

Members Present: Eric Prause, Chair  
Andy Kidd, Vice Chair  
Horace Brown, Secretary  
Michael Stebe  
Susan Shanbaum

Alternates: Julian Stoppelman

Absent: Donald Palmer  
Teresa Ike

Also Present: Mark Pellegrini, Director of Planning  
Renata Bertotti, Senior Planner  
Matthew Bordeaux, Environmental Planner  
and Wetlands Agent  
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

TMC NEW ENGLAND 2 LLC – (Continued from October 6, 2014) Request a special exception under Article II Section 9.14.02 (b) for a use that requires more than 60 parking spaces for construction of a retail pharmacy with a drive-through and a business establishment with a drive-through at 1229 Main Street, 27 Charter Oak Street, and 31 Charter Oak Street – Special Exception (2014-069) – Request for continuation until November 3, 2014

Chairman Prause related that the applicant requested a continuation until November 3, 2014 but asked if any member of the public wished to speak either in favor of or in opposition to this application at this time.

Leslie Frey, 30 Florence Street, said she was aware that Commission members expressed concern that the building did not fit with the historic district and said she is also concerned. She mentioned the Glastonbury CVS as an example of what CVS is willing to do. Ms. Frey said she thinks the building should be pushed back a bit. Approval of this application will be a benefit to her neighborhood and the Main Street area, she said. There are many people in the area without transportation; the ability to walk to CVS will be a tremendous help, Ms. Frey said.

Darren Wright, 441 South Main Street, Unit 13, said he believes the project as proposed would adversely affect the Cheney Historic District and the downtown area. He said he would like to see the Commission work with the developer so the building reflects the look of the historical buildings in the area. Mr. Wright said he believes the Manchester Historical Society should be consulted in this matter.

Ron Osella, 410 Hackmatack Street, said this location is the gateway to the historic district.

There are several initiatives taking place on Main Street and in the downtown district, he said. If this location is available, he said he would hate to see a big box pharmacy with neon lights placed there. It would be a shame to pass on this opportunity to put this property in the Town's hands, Mr. Osella said. Mr. Osella asked that the Commission reject this application due to the lack of compliance with the historic district and the surrounding downtown area.

There was no further public comment on this application.

DR. HARVEY KAHANER – for proposed filling of an area of regulated wetlands to construct a single family house at 243 Ludlow Road – Inland Wetlands Permit (2014-062)

Rob Hellstrom, Land Surveyor, displayed a plan of the original subdivision which was approved in 1959. The purple-colored lot is where the existing home of Kahaners is, and the green-colored lot is the lot on which a single family house is proposed. Dr. Kahaner purchased his house in the 1970s and at that time also purchased a vacant lot to allow for some open space for his family, Mr. Hellstrom said. During that process, he said, there was a request from Manchester Health Department to DEP to look into this lot because there was some dumping and filling on the lot. The DEP responded that previous filling and alterations had effectively destroyed the water resources on the property, Mr. Hellstrom said, and proceeded to read into the record the May 8, 1975 letter. The letter indicated that, while some wetland species appear on the property, no wetland or water course existed as of 1975. The purpose of the letter, Mr. Hellstrom said, was to show that Kahaner's looked into this, and purchased the lot with some assurances that it was a buildable lot.

Mr. Hellstrom said he had developed two plans for development and reviewed them for the Commission. He pointed out the proposed house and driveway location as well as where fill would be placed.

John Ianni, Soil Scientist, said he went to the property in early June to delineate the wetlands. He noted a sewer easement to the west side of the property. To the left of that is a 4" PVC drainage pipe. The wetlands are located in the low laying portion of the property north and west from the drainage pipe. The northern portion of the property was previously filled, he said. The wetland is fed by the groundwater seepage from the land to the north. It flows to the south and ends before the property line, Mr. Ianni said. There was some filling done when the drainage pipe and sewer line were put in. The original proposal was to fill all the wetlands, he said. An alternative was to preserve some of the wetlands. He said preserving wetlands with the use of a retaining wall was a feasible alternative, but not necessarily prudent. The remaining wetland area may not have hydrology to support the wetlands and would ultimately be left as a dry area, he said. Mr. Ianni said it would be best to construct the home using the original plan (option 1), eliminating the wetlands completely, because in his opinion the second option, the option that leaves some wetlands on site, would render those remaining wetlands non-functional.

There was a discussion among Commission members and Mr. Ianni regarding how did this wetland pocket become disconnected from the original wetland source in the first place, and how did the subdivision and the installation of the sewer line and filling interrupt the original wetland hydrology. In response to Mr. Kidd's question, Mr. Ianni stated there is not significant flow from the wetlands on Kahaner's property into the large wetlands system below. Those wetlands are fed by the storm water drainage from this entire subdivision.

Mr. Kidd noted there are three options here, the proposed options 1 and 2, and a no build option

if the wetlands were functional and valuable. Mr. Ianni explained this was a ground water seep wetland, seasonally saturated and only wet in spring, there is no standing water and there is only a little bit of seasonal flow only because Dr. Kahaner's existing roof and footing drains discharge there. The ground water seepage is very slow and sufficient to maybe feed the northern part of the wetland, but not sufficient to feed the south part of wetland.

Dr. Harvey Kahaner, 239 Ludlow Road, owns the subject property. He said he purchased the property as a buffer area and didn't feel the need to sell until now. He said he was always aware it was a viable building lot and thought he had permission to fill the lot, but did not. Now the lot is a mess and an eyesore for the neighborhood, Dr. Kahaner said.

Mr. Bordeaux said he agreed with Mr. Ianni's assessment of the property. There is little value in continuing with the existing wetlands, he said.

Chairman Prause asked if any member of the public wished to speak in favor of or in opposition to this application. No member of the public wished to comment on this application.

The Chairman closed the Public Hearing portion of the meeting at 7:45 p.m.

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