

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 17, 2016**

ROLL CALL:

MEMBERS PRESENT: Eric Prause, Chairman
Andy Kidd, Vice Chairman
Michael Stebe, Secretary
Jessica Scorso
Tim Bergin

Alternate Members: Julian Stoppelman
Patrick Kennedy
Teresa Ike

Also Present: Gary Anderson, Director of Planning
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
Karen Logan, Recording Secretary

Time Convened: 7:35 P.M.

CALAMAR, INC. – Request a zone change for Parcel B of 188 Spencer Street from EHD to GB zone. – Zone Change (2016-106)

Mr. Stebe stated that the zone change made sense. The General Business zone designation would allow abutting business owners to expand if desired and it would open up opportunities in that area.

Mr. Kidd observed that if the Commission left the parcel as it was, it would prohibit development. He agreed with Mr. Stebe that changing Parcel B to General Business zone would allow development. He stated that he was in favor of approving the application.

Mr. Prause agreed with both Mr. Stebe and Mr. Kidd. He felt the zone change fit with the Manchester 2020 Plan of Conservation and Development.

Zone Change (2016-106)

MOTION: Mr. Stebe moved to approve the zone district change from Elderly Housing Development zone to General Business zone for Parcel B at 188 Spencer Street. Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval was that the proposed amendment is consistent with the current zoning in the area and with Manchester's Plan of Conservation and Development Character Map.

The zone change will become effective on November 1, 2016.

CALAMAR, INC. – To modify the condition of subdivision approval 2016-080 – Request for Modification of a Condition of the Approval of the Subdivision Application #2016-080 (2016-123)

Attorney Stephen Penny of Penny, Botticello & O’Brien presented the application request for Calamar, Inc. He explained to the Commission that at the time of the previous zone change, the understanding was that the parcel would be merged with the parcel on the corner of Hillstown Road and Spencer Street, otherwise known as the McDonald’s property. However, since that time, complications had arisen because McDonald’s did not own the lot on which their business was located.

The applicant proposed to delete the condition of approval which had been attached to the subdivision approval and which required that Parcel B be conveyed to the owner of the parcel at 184 Spencer Street (the location of McDonald’s). The applicant also proposed that the deleted condition be replaced with the condition that “Parcel B shall not be further developed unless and until it is merged with an abutting parcel.”

Mr. Prause asked staff to describe any concerns regarding the development of this parcel. Ms. Bertotti responded that developing Parcel B probably would not be either attractive or practical because of the size and shape of the parcel, which is very narrow. However, under the General Business regulations, it was possible.

Mr. Prause noted that zoning the parcel General Business made the lot more marketable to one of the abutters. Under the current condition, the parcel would have to be merged with McDonald’s, but that was problematic because McDonald’s did not own the parcel on which it was located.

Mr. Prause called for staff comments and there were none.

Mr. Stebe asked who was maintaining the landscaping buffer at the current time. Attorney Penny responded that McDonald’s had that responsibility when they received the special exception for a restaurant with a drive-through window. Ms. Bertotti added that the landscaping buffer was an easement in favor of McDonald’s.

Request for Modification of a Condition of the Approval of the Subdivision Application #2016-080 (2016-123)

MOTION: Mr. Kidd moved to approve the request for Modification of a Condition of the Approval of the Subdivision Application #2016-080 by deleting the provision that “Parcel B be conveyed to the owner of 184 Spencer Street and be merged with 184 Spencer Street,” and substituting in lieu thereof that “Parcel B shall not be further developed unless and until it is merged with an abutting parcel.” Mr. Bergin seconded the motion and all members voted in favor.

WATERSTONE RETAIL DEVELOPMENT, INC. – For modifications to the storm water management system at 428 and 444 (a.k.a. 434) Tolland Turnpike. – Erosion and Sedimentation Control Plan (2016-117); Special Exception Modification (2016-118)

Mr. Dane LaBonte of Design Professionals, Inc. of South Windsor presented the application for Waterstone Retail Development, Inc. He provided a brief overview of the plan that was approved in July of 2016. He showed the location and relevant information regarding the application before the Commission. He noted that the previously approved storm water management system included underground infiltration systems which had no discharge. Simply put, the application was to request a modification to the storm water management system to reduce the infiltration system and allow discharge into nearby Union Pond.

Mr. Prause asked for a map of the approved plan and what changes were being proposed. Mr. LaBonte responded that the original plan called for four underground retention systems and the proposed change was to reduce that number to just one system. He explained that when the applicant's plan was being reviewed by the Town's engineering staff, they were informed that they were able to discharge some of the storm water into Union Pond.

Mr. Kidd asked if the applicant was aware of this information when it came before the Commission in July. Mr. Jim Bernardino of Design Professionals stated that the information was brought to their attention by the Town's engineering staff. He continued by stating that the applicant opted to move forward with the original plan because they were already well into the permitting and planning process. The applicant felt that moving forward with the original plan would allow the rest of the project to move forward at that time, while they would be able to come back to request a modification.

Mr. Kidd commented that he felt there was no harm done but asked if it wouldn't have been better for the Commission to know about the plan to submit these modifications when the original plan was before the Commission.

Ms. Bertotti stated that, at the time of the Commission's consideration and approval in July, there was no plan to change or modify the plan that was submitted.

Mr. Stebe asked how the water that was being discharged into Union Pond was being treated before its release. Mr. LaBonte responded that the roof water would travel directly into an infiltration system. The runoff would be discharged into an underground infiltration system, which is a self contained water treatment system. The rest of the water would travel into catch basins which would discharge into a water quality unit and that would discharge into Union Pond. Mr. Stebe asked what the difference in water quality would be and Mr. LaBonte said that there would be no difference in the quality of the water.

Mr. Prause asked if there would be a change to the number of hydrants under the new system and Mr. Bernardino stated that there would be no change to the water and fire protection capabilities.

Mr. Prause commented that there was a lot of work taking place at the site. Mr. LaBonte agreed and noted that the official groundbreaking had been held earlier in the day.

Mr. Kidd asked Mr. Bordeaux if the change was a benefit to the ecosystem. Mr. Bordeaux answered that the change did not aggravate flooding conditions because it was such a large watershed. He

added that the water would still be treated to the same standard, whether discharged or not.

Mr. Bernardino added that, with the change, water would be treated and some of that would be discharged into Union Pond.

Mr. Prause called for staff comments and Ms. Bertotti stated that the outstanding comments were technical and minor in nature. If the Commission decided to approve the application, she said, they would be asked to do so with modifications as specified in outstanding staff comments.

Mr. Prause commented that there was not much difference between the original plan and the requested modification and that there was no impact on environmental protection.

Special Exception Modification (2016-118)

MOTION: Mr. Kidd moved to approve the special exception modification for changes to the storm water management system at 428 and 444 (a.k.a. 434) Tolland Turnpike, with the modifications as specified in staff memoranda from:

1. Raymond Myette, Jr., Design Engineer, dated October 11, 2016; and
2. Michelle Handfield, Assistant Town Engineer, dated October 5, 2016.

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

The reason for the approval was that the proposed activity meets the special exception criteria.

Erosion and Sedimentation Control Plan (2016-117)

MOTION: Mr. Kidd moved to certify the Erosion and Sediment Control Plan at 428 and 444 (a.k.a. 434) Tolland Turnpike, with the modifications as specified in staff memoranda from:

1. Raymond Myette, Jr., Design Engineer, dated October 11, 2016; and
2. Michelle Handfield, Assistant Town Engineer, dated October 5, 2016.

Ms. Scorso seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – To revise the zoning regulations at Art. IV, Sec.13.07.01 to modify the maximum sign areas for wall, canopy, marquee and roof signs. – Zoning Regulation Amendment (2016-102)

Mr. Prause called for comments on the proposed amendment.

Mr. Prause noted that arriving at this proposed amendment had been quite a process. He added that the only change he would favor would be to change the last row of distances from the street to read “over 250 feet.”

Mr. Stebe proposed a change in the language in the amendment, adding the word “over” to each of the described distances in the amendment. The Commissioners made several suggestions regarding how to reword the language to represent the intent of the amendment.

Mr. Anderson suggested rounding to the nearest number and Ms. Bertotti agreed that rounding would work.

Mr. Stebe commented that rounding to the nearest foot would accomplish the intent of the regulation.

Mr. Kidd suggested adding the language, “over X feet and up to X” and so on. He felt this language would eliminate any confusion.

Zoning Regulation Amendment (2016-102)

MOTION: Mr. Stebe moved to approve the zoning regulation amendment at Art. IV, Sec. 13.07.01 to modify the maximum sign areas for wall, canopy, marquee and roof signs, with the modification that the revised language will read:

<u>Building Location</u>	<u>Maximum Sign Area Per Tenant</u>
Up to and including 50 feet from street	32 Square Feet
Greater than 50 up to and including 100 feet from street	64 Square Feet
Greater than 100 up to and including 150 feet from street	100 Square Feet
Greater than 150 up to and including 250 feet from street	200 Square Feet
Greater than 250 feet from street	300 Square Feet

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

The reason for the approval was that the proposed amendment is consistent with the Manchester Plan of Conservation and Development and with Art. IV Sec. 13.01 of the zoning regulations which in part reads:

“The permitted types and areas of signs are deemed sufficient for the uses intended, and the requirements and restrictions on the erection and display of signs are deemed necessary to protect the public safety, convenience and property values.”

The zoning regulation amendment will be effective on November 8, 2016

DIANNE KUZMICKAS – Request a jurisdictional ruling under Section 3.3 of the Inland Wetlands and Watercourses Regulations at 719 Birch Mountain Road. – Request for Jurisdictional Ruling (2016-124)

Ms. Dianne Kuzmickas, 688 Birch Mountain Road, Manchester, presented her request for a jurisdictional ruling. She explained that, in September, she had authorized the excavation of the pond on her property without properly notifying the Wetlands Agent. Once she received a notice of violation, she immediately ceased the work on the pond. When the Wetlands Agent inspected the location, it was found that the work was nearly complete. The enforcement order required that Ms. Kuzmickas stop all work and stabilize all disturbed soils with grass seed. Vegetation, which was choking out the pond, was removed and the pond overflow pipe was repositioned. However, the emergency spillway was not improved due to the cease work order.

Ms. Kuzmickas requested that the Commission determine the work on the farm pond to be permitted as an as-of-right activity in accordance with Section 3.1 of the regulations.

Mr. Prause asked Mr. Bordeaux to describe the activities and circumstances that lead to Ms. Kuzmickas's appearance before the Commission. Mr. Bordeaux explained that he had been working with the owner regarding improvements over the past few years. In response to a complaint, Mr. Bordeaux visited the property and the Agency issued the stop work order. He asked Ms. Kuzmickas to seed the area of disturbed soil in order to stabilize the soil. There were already hay bales in place, but there was no record of permission to make the improvements to the pond. Mr. Bordeaux requested that Ms. Kuzmickas appear before the Commission to request the jurisdictional ruling.

Ms. Scorso asked Ms. Kuzmickas to walk the Commission through the next step of her plan. Mr. Matthew Kuzmickas, the son of Ms. Kuzmickas, replied that there were plans to use this pond for watering the horses, in addition to using the pond for irrigation. Ms. Scorso clarified her question by asking whether the plan called for removing more vegetation or sediment out of the pond. Mr. Kuzmickas answered that there was more work to be done to remove more material from the area of the primary spillway.

Ms. Scorso asked what insurances there were to reduce flooding. Ms. Kuzmickas answered that the spillway needed to be cleaned out because it was in danger of being blocked.

Mr. Bordeaux explained that the development of the farm pond was very similar to a standard retention basin. There was a 12" drainage pipe about a foot below the top of the bank. Also, an emergency spillway needed to be installed and that would be about 6" below the top of the bank, and would be directed, most appropriately, to Birch Mountain Brook.

Mr. Bergin asked if the pond was located in the upland review area. Ms. Bordeaux said that according to the Town's official mapping, it was.

Mr. Prause asked if Ms. Kuzmickas had received an earlier approval to clean out the pond. Mr. Kuzmickas replied that they had not received approval in the past, but that they had been cleaning out the pond every few years since before there were these kind of regulations.

Mr. Prause asked if the applicant intended to sell any of the soil that was removed from the pond. Ms. Kuzmickas responded that they absolutely did not plan to sell the material. She had plans to use the material on others areas of her farm.

Mr. Bordeaux commented that he had walked the site, that he was comfortable with the majority of the work, and that the material was currently stabilized.

Request for Jurisdictional Ruling (2016-124)

MOTION: Ms. Scorso moved to find that the operation and use of a farm pond is permitted in inland wetlands and upland review areas, as of right in accordance with the Inland Wetland and Watercourses Regulations Section 3.1. Mr. Kidd seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS

Planning and Zoning Commission Workflow Prioritization

Ms. Bertotti presented a list of possible future projects for the Commission's consideration. These projects had been mentioned during recent Commission meetings and the Planning Department was seeking some prioritization in developing a work plan for the staff.

Mr. Kidd commented that the Commission should meet to discuss each of the items. He felt the Manchester Green study was important. The Commission should also have a keystone project, he said. Finally, he concluded, this was the time to address the regulations regarding outside entertainment, before the spring and summer of next year.

Ms. Bertotti noted that item number seven, "Revise CBD zone and High Rise Apartment regulations to be consistent with the changes in GB zone and Special Exception Criteria regulations," was more of an administrative cleanup of the regulations to be consistent with the changes in the General Business zone and Special Exception criteria. She felt that could be addressed in a short workshop.

Mr. Anderson commented that there had been fairly significant solar panels installed and there were no regulations to deal with these types of utility installations. He went on to mention a company that proposed to install 120' utility poles in rights of way around Connecticut. He suggested the Commission might want to consider regulations to deal with that kind of development.

Mr. Stoppelman noted that the next scheduled meeting for the Commission was the night before the election. He asked if other Commission members, like him, would be working the next day. Mr. Bergin stated that he would be working on Election Day. Mr. Stoppelman asked if the Commission would be willing to reschedule the next meeting. Ms. Scorso suggested a vote on who would be available for the next meeting. Mr. Prause asked the commissioners who would be able to attend the next meeting as scheduled.

Mr. Stoppelman noted that it appeared that there would be a quorum at the next meeting, and he withdrew his request.

Mr. Bordeaux noted that he had received a late registration to the aquifer protection program. He explained what the aquifer protection program was and how the registration process worked. He explained that the location in question was maintained by Manchester Honda, which was performing limited automotive repair and needed to register.

APPROVAL OF MINUTES

August 15, 2016 – Public Hearing/Business Meeting

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

September 19, 2016 – Public Hearing/Business Meeting

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

RECEIPT OF NEW APPLICATIONS

WILLIAM FLEMMING – Resubdivision (2016-122) - For a resubdivision at 26-28 Wilfred Road.

CALAMAR, INC. – Request for Modification of a Condition of the Approval of the Subdivision Application 2016-080 (2016-123) - To modify a condition of subdivision approval 2016-080.

DIANE KUZMICKAS – Request for Jurisdictional Ruling (2016-124) - Request for Jurisdictional Ruling under Section 3.3 of the Inland Wetlands and Watercourses Regulations at 719 Birch Mountain Road.

TOLLAND TURNPIKE MOTORS, LLC – Special Exception (2016-125); Erosion and Sedimentation Control Plan (2016-126); Flood Plain Permit (2016-127) – Request a special exception under Article II Section 24.02.01 (h) for used automobile sales at 1 Tolland Turnpike.

The Chairman closed the business meeting at 9:37 p.m.

I certify these minutes were adopted on the following date:

November 21, 2016
Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.