

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JUNE 6, 2016**

MEMBERS PRESENT:       Andy Kidd, Acting Chair  
                                  Timothy Bergin, Acting Secretary  
                                  Jessica Scorso

Alternate Members Sitting:  Teresa Ike  
                                  Patrick Kennedy

Alternate:                    Julian Stoppelman

Absent:                      Eric Prause, Chair  
                                  Michael Stebe, Secretary

Also Present:               Mark Pellegrini, Director  
                                  Renata Bertotti, Senior Planner  
                                  Matthew Bordeaux, Environmental Planner  
                                  Karen Logan, Recording Secretary

Time Convened:             7:40 P.M.

**REVISED AGENDA**

**MOTION:**   Mr. Kennedy moved to add the Request for Jurisdictional Ruling (2016-072) for R.A.M. Contracting, Inc. at 151 Union Street to the meeting agenda. Mr. Bergin seconded the motion and all members voted in favor.

**NEW BUSINESS:**

JIN YOUNG PARK – For a zone district change from Residence B to Special Design Commercial Business Zone at 608 East Center Street. – Zone Change (2016-057)

Mr. Kidd called for comments from the Commission.

Mr. Kennedy felt it was a common sense proposal, as the address is basically a commercial area. Ms. Scorso agreed with Mr. Kennedy. She added that the neighboring sites had similar zoning and felt the proposed change was compatible with the existing mixed uses in the neighborhood. Mr. Kidd noted that he felt the zone change was in concert with the Plan of Conservation and Development.

Zone Change (2016-057)

**MOTION:**   Mr. Kennedy moved to approve the zone district change from Residence B to Special Design Commercial Business Zone at 608 East Center Street. Ms. Ike seconded the motion and all members voted in favor.

The reason for the approval was the proposed zone change is compatible with the surrounding zoning and consistent with Plan of Conservation and Development's Character Map. The change will be effective on June 22, 2016.

BRIAN NELSON – For development of two residential lots with structures at 175 and 185 New Bolton Road. – Inland Wetlands Permit – Determination of Significant Impact (2016-036); Inland Wetlands Permit (2016-036)

Mr. Raymond F. Nelson, Junior Civil Engineer, presented on behalf of Mr. Brian Nelson. He described the properties at 175 and 185 New Bolton Road. Mr. Nelson noted that the proposed work at 185 New Bolton Road will include work within the 100' regulated area, and the work at 175 New Bolton Road will also be within the 100' upland review area, as well as requiring a permanent disturbance to accommodate a driveway through a wooded swamp.

Mr. Nelson continued that the total estimated disturbance for both parcels is approximately 1.75 acres. Of this, 1.25 acres are within the 100' upland review area and 0.08 acres will be in the wetlands. Mr. Nelson described the proposed erosion and sedimentation control measures, including silt fence, straw sediment barriers, anti-tracking pad construction entrances, and the stabilization of steep inclines with erosion control blanketing.

Mr. Nelson concluded his presentation by asking for questions and comments from the Commission.

Mr. Kidd asked Mr. Nelson to summarize the report he cited, which was prepared by Envirotech Consultants. Mr. Nelson indicated the report described flora and fauna found in the 100' upland review area. The report states that the notable function of the wetlands is nutrient retention and sediment trapping. The portion of the wetland to be filled for the access driveway as designed should not isolate the habitat on either side of the driveway crossing.

Mr. Bergin asked Mr. Nelson to provide the dates of the approvals for similar proposals in reference to this parcel of land. Mr. Nelson responded the Mr. Wright's proposal was approved in 1993 and Capstone Builders' proposal was approved in 2003. Mr. Bergin asked if those proposals involved public hearings for the applications. Ms. Bertotti stated that there was no way of knowing that information without checking the records.

Mr. Bordeaux added that the plan shows a small footprint vernal pool colored in blue.

Mr. Kidd asked about the old cart path in the area; he wanted to know if the path was on an existing raised area and if it could be driven over. Mr. Nelson stated that it was raised, but he was not sure if the path could be driven on.

Ms. Ike asked when the Envirotech report was written. Mr. Nelson stated that it was dated in 1993.

Mr. Kidd asked Mr. Bordeaux if he had visited the property personally. Mr. Bordeaux responded that he had visited the property. He stated that the vernal pool does exist, but there was no standing water in the vernal pool when he visited the property. The culvert is not so much for drainage as for access for wildlife traveling east to west. The proposed development does not extend into an aquifer

protection area.

Mr. Kidd asked if water flowed over the access road at any time and Mr. Bordeaux indicated that he did not believe it did. Mr. Kidd asked if the addition of the culvert would significantly change the natural channel of the water course. Mr. Bordeaux stated that this was not necessarily a water course or flow, but it is located in the wetlands.

Mr. Kennedy stated that he felt there was no significant impact on the wetlands, based on the information that had been provided.

Mr. Kidd stated that he liked to be careful in dealing with wetlands, but he agreed with Mr. Kennedy that there is no significant impact on the wetlands.

Ms. Ike asked for specifics on the civil engineer's notes. Mr. Bordeaux responded by detailing the comments and noting that they were technical and minor in nature.

#### Inland Wetlands Permit – Determination of Significant Impact (2016-036)

**MOTION:** Mr. Kennedy moved to find the proposed activity at the above referenced location as shown on the inland wetlands permit application 2016-036 will not have a significant impact on the wetlands and therefore will not require a public hearing. Ms. Scorso seconded the motion and all members voted in favor.

#### Inland Wetlands Permit (2016-036)

**MOTION:** Mr. Kennedy moved to approve the inland wetlands permit with the modifications as specified in staff memoranda from:

1. Michelle Handfield, Civil Engineer, dated May 24, 2016 to Renata Bertotti.

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

The reason for the approval was the proposed activity does not disturb the natural or indigenous character of the land by significant impact or major effect.

The approval is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

#### AMERICAN PROMOTIONAL EVENTS – To erect a 20' x 40' tent for the sale of fireworks from June 20 to July 4, 2016, from June 20 to July 6, 2017, and from June 20 to July 6, 2018 at 420 Buckland Hills Drive, Comprehensive Urban Development Zone. – CUD Detailed Plan Modification (2016-047)

Ms. Tatiana DeJesus presented the applicant's proposal to erect a 20' x 40' tent to sell fireworks in the Walmart parking lot. This would be a fundraiser for a local baseball team. She demonstrated where signage would be located and noted that the request was for three consecutive years.

Ms. Scorso asked if there were any safety concerns with regards to the location. Ms. DeJesus responded that the plan was to erect barricades around the tent to safeguard against any traffic

mishaps. The Fire Marshal had required that there be three exits and Ms. DeJesus noted their locations. She added that the merchandise would be stored either in a box truck or a storage container, to make sure the product was secure.

Mr. Bergin asked whether the location of the storage would be within the perimeter of the tent. Ms. DeJesus indicated that it would be located just outside the perimeter. Mr. Bergin continued by asking if Walmart was aware of the plans and Ms. DeJesus replied that their permission was contingent upon the Planning & Zoning Commission's approval.

Mr. Kennedy asked staff if there were any recommendations for conditions of approval. Ms. Bertotti responded that this proposal had been before the Commission several times in the past and the applicant would have to obtain separate Building and Fire Code permits and approval.

Mr. Kidd asked if there needed to be a condition of approval regarding the proposed storage of the fireworks.

Ms. Bertotti indicated that she did not believe there needed to be any condition of approval, as the application as written by the applicant called for the storage of the fireworks in either a box truck or a storage container. Mr. Pellegrini clarified that the applicant is willing to use either a box truck or a storage container onsite, based on the Commission's preference.

Mr. Bergin asked if the temporary sign for the fireworks would hinder Walmart's ability to also have a sign. Ms. Bertotti replied that temporary signs were granted per business, so it would not affect Walmart at all.

Ms. Ike asked if there was any need to add a condition regarding vegetation, as was done in previous years. Ms. Bertotti stated that the Planning staff had just heard from the 8<sup>th</sup> Utilities Fire Marshal and the applicant would have to meet the Fire Marshal's conditions each year for approval.

#### CUD Detailed Plan Modification (2016-047)

**MOTION:** Mr. Kennedy moved to approve the location of a 20' x 40' tent for the sale of fireworks from June 20 to July 4, 2016, from June 20 to July 6, 2017, and from June 20 to July 6, 2018 at 420 Buckland Hills Drive with the condition that merchandise be stored in a box truck or container at the site. Mr. Bergin seconded the motion and all members voted in favor.

#### EIGHTH UTILITIES DISTRICT – Mandatory referral for a mutual access and parking easement agreement for 32 Main Street with the owner of 38 Main Street. – Mandatory Referral (2016-068)

Attorney John LaBelle spoke on behalf of the 8<sup>th</sup> Utilities District, presenting the proposal, detailing property locations, property lines, and the parking area shared between the two properties under an informal agreement. He continued by adding that the reason for the mandatory referral is that, as a municipality, the 8<sup>th</sup> Utilities District would be granting a mutual easement between the two properties. The parking area is in need of regrading and repaving, and both parties plan to share the cost of hiring a contractor to upgrade the parking area.

Mr. Kidd asked what precipitated the request and Attorney LaBelle replied that the parking lot needed to be repaved and both parties sought to formalize their agreement before they took that step. Attorney Stephen Penny, the attorney for Margaret Enterprises, LLC added that handicapped parking was needed.

Mr. Kidd called for staff comments. Ms. Bertotti recommended a favorable referral, noting that the proposal makes sense and will legitimize the informal agreement. Mr. Kidd added that the proposal sounds reasonable and this arrangement would minimize the number of curb cuts needed.

Mandatory Referral (2016-068)

**MOTION:** Mr. Kennedy moved to issue a favorable report for the easement agreement. Mr. Bergin seconded the motion and all members voted in favor.

The reason for the approval was that the formalization of an existing physical arrangement which would keep a single curb cut on Main Street in its existing location is appropriate.

TOWN OF MANCHESTER – Mandatory referral for McKee Street firehouse storage building at 138 McKee Street. – Mandatory referral (2016-069)

Mr. Pellegrini provided the details of the mandatory referral request on behalf of the Town of Manchester. He discussed the need for a new storage building to be located at 138 McKee Street. This new storage building will provide storage space for the equipment that was formerly stored in the Spruce Street Firehouse and the School Street Firehouse. Mr. Pellegrini noted that since the McKee Street Firehouse is located in a residential neighborhood, consideration would be given to the exterior appearance of the building so that it would blend in with the neighboring properties.

Mr. Bergin asked if there would be any need for utilities in the storage building. Mr. Pellegrini did not believe there would be a need for utilities, except for lighting if necessary.

Mr. Kidd stated that he appreciated the recommendation that the storage building be made to look similar to the surrounding neighbors in the McKee Street area.

Mandatory Referral (2016-069)

**MOTION:** Mr. Kennedy moved to issue a favorable report for the proposed 2,520 sq.ft. accessory storage building at 138 McKee Street, with the strong recommendation that the exterior of the building be designed to promote a residential look and character.

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

The reason for the approval was the proposed building will support the operation of the Fire Department.

R.A.M. CONTRACTING, INC. – For landscaping including a raised bed and small swale at 151 Union Street. – Request for Jurisdictional Ruling (2016-072)

Mr. Bordeaux explained the Inland Wetlands and Watercourses Regulations relevant to this request. This request is basically for a landscaping activity to permit the creation of a berm to redirect the water flow from a downspout so that the flow doesn't go into Union Pond.

Mr. Kennedy stated that he believed this is incidental use, as the berm could be created using a shovel and land disturbance will be minor. Mr. Kidd added that the request was fairly straightforward.

Request for Jurisdictional Ruling (2016-072)

**MOTION:** Mr. Kennedy moved to issue a determination that the proposed activity is an incidental use permitted as of right in accordance with Section 3.1(d) of the Inland Wetlands and Watercourses Regulations. Mr. Bergin seconded the motion and all members voted in favor.

**ADMINISTRATIVE REPORTS**

TMI Hospitality – Lot Line Revision (2016-064) – 100 Buckland Hills Drive and 109 Pavilions Drive

Kenneth Platt – Inland Wetlands Permit (2016-065) – 41 Steele Farm Drive – Installation of Shed in 100’ Upland Review Area

**APPROVAL OF MINUTES**

April 18, 2016 – Public Hearing/Business Meeting

**MOTION:** Mr. Kennedy moved to approve the minutes of the April 18, 2016 Public Hearing and Business Meeting as written. Mr. Bergin seconded the motion and all members voted in favor.

May 16, 2016 – Business Meeting

**MOTION:** Mr. Kennedy moved to approve the minutes of the May 16, 2016 Business Meeting as written. Mr. Bergin seconded the motion and all members voted in favor.

**RECEIPT OF NEW APPLICATIONS**

**SHANTOK MOTORS MANCHESTER, LLC** – Certificate of Location Approval (2016-066) – For used auto sales and auto repairs at 22 Spencer Street

**R.A.M. CONTRACTING, INC.** – Request for Jurisdictional Ruling (2016-072) - For landscaping including a raised bed and small swale at 151 Union Street.

**TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION** – Zoning Regulation Amendment (2016-074) - To revise Art. II Sec. 18.03.02 to allow breweries and brewpubs as special exception uses in the Historic Zone.

The Chairman closed the business meeting at 8:58 p.m.

I certify these minutes were adopted on the following date:

8/15/16

Date

Eric Prause, Chairman

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