

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
MAY 7, 2018**

ROLL CALL:

Members Present: Eric Prause, Chairman
Michael Stebe, Secretary

Alternate Members Sitting: Patrick Kennedy
Julian Stoppelman
Teresa Ike

Absent: Jessica Scorso
Timothy Bergin
Andy Kidd, Vice Chairman

Also Present: Gary Anderson, Director of Planning
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner/
Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:05 P.M. The Secretary read the legal notice when the call was made.

TRUSTEES OF NORTH METHODIST CHURCH – For re-subdivision and associated improvement of two existing parcels at 40 and 41 Farmington Street into five lots. – Re-subdivision (2018-027)

Ms. Haley Busch, Licensed Professional Engineer, Fuss & O’Neill, introduced herself as representing the Trustees of North Methodist Church, 40 and 41 Farmington Street. Ms. Busch requested to present on both the re-subdivision and the erosion and sediment control plan, to which the Chairman agreed. She explained the proposed subdivision project is located over two parcels, totaling 3.63 acres. There are an existing cul-de-sac and an existing house at 41 Farmington Street, she noted. The lots are of record from 1955 and 1967, according to Ms. Busch. The zone for both parcels is Residence A and will remain unchanged. The slope of the existing cul-de-sac is 13%. She described two small wetlands located across the properties, and stated that the applicant received the wetlands approval in January as the proposal was not deemed to have a significant impact.

Ms. Busch explained that the proposal is to create a subdivision with a total of five lots and five homes. The existing house will remain as one of the single family homes within the subdivision. The remaining proposed homes will have a minimum of a 1,300 sq. ft. footprint in living space, with each featuring double-bay garages, porches, second floors, walk-out basements and/or patios. She reported that the homes and lot sizes are consistent with the neighborhood characteristics and Lots 3 and 5 will share a driveway. The proposal includes a 6 ft. high stockade fence along the limits of Lot 4, the existing house,

for privacy, she said. Ms. Busch noted that additional improvements include creating a Town-owned cul-de-sac which will meet the Town of Manchester standards, the slope of which will be 10%. The erosion and sediment control measures have been incorporated into the design and are in conformance with the Town of Manchester standards, she detailed, as well as the 2002 Connecticut Guidelines for Erosion and Sediment Control. Ms. Busch reported that the measures will include temporary sediment traps, erosion mats, silt fences, hay bales and catch basin inserts, which protect the downstream system.

The water, electrical and telecommunications services will be extended from the existing services on Farmington Street, Ms. Busch noted. A proposed Town gravity sanitary sewer main will be provided in the cul-de-sac for the proposed homes and will discharge to an existing manhole, located at 300 Parker Street. Ms. Busch displayed the plan referring to the sanitary sewer. Regarding stormwater management, the run-off from Farmington Street and the contributing parcels will discharge from west to east, she noted, overland to the wetlands. The stormwater is untreated and unmanaged at this time, she explained, and ultimately the stormwater runoff will discharge northerly through the wetlands system. The proposed design incorporates stormwater management best practices, including a proposed hydrodynamic separator at the end of the catch basin system proposed in the cul-de-sac as well as a vegetated extended wetland area, according to Ms. Busch. Both the hydrodynamic separator and extended wetland area will provide stormwater treatment and attenuation, and the proposed stormwater management design will treat the water quality and meets the intent of the Water Quality Manual for the State of Connecticut, she said. As a result of the proposed stormwater management system, she stated, there will be no net increase in the peak stormwater runoff for the project.

Ms. Busch reported that the project meets the requirements of the subdivision regulations for the permit, and the applicant respectfully requested the Commission's approval of the re-subdivision application as well as the associated erosion and sediment control plan.

Mr. Stebe questioned why, rather than extending the 40 ft. to connect to the existing sewer line, the proposal will cut through across the untouched open space.

Ms. Busch responded that the Trustees of North Methodist Church own the property, and have authorized construction of the line across the property. The five homes will be connected by gravity as a result, as opposed to installing pump systems to pump up to Farmington Street into the existing system.

Mr. Stebe inquired whether the decision was financial or maintenance driven, as the Town would have to maintain the line. Currently, there is a 30 ft. run and the proposal will be 300 ft. or more, crossing through undeveloped open space, he said.

Ms. Busch explained the reasoning for the gravity system is to avoid putting pumps in the houses, which require more maintenance and cost.

Mr. Stebe requested clarification about the rearrangement of the lots, as the proposal is different from the first application.

Ms. Busch said that the majority of the lots remain the same, with the exception of Lots 3 and 5. The new proposal provides a common driveway for Lots 3 and 5 off the cul-de-sac. The common driveway will be 20 ft. where it meets the cul-de-sac, then will extend and split off. Lot 3, according to Ms.

Busch, was moved slightly west and Lot 5 was reoriented for the driveway configuration. Additionally, the lot lines were altered to provide for the required frontage to meet the subdivision zoning regulations, she reported.

Mr. Prause stated that, in looking back on land which could be considered unsuitable for subdivision development, he questioned whether there are any areas prone to flooding, or that have improper drainage, steep slopes, or rock formations.

Ms. Busch described that the proposal will improve the stormwater management of the area, providing a larger area for drainage collection. There are no slopes within the project area that are above 25%, she noted, though there are other areas of the property with slopes above 25%. There is dense underbrush on the property, Ms. Busch stated, and she has not seen any rock.

Mr. Prause questioned whether there are any stone walls or specimen trees in the area.

Ms. Busch responded that the survey did not note any stone walls, but stated she does not have an answer regarding the trees. The soil scientist that evaluated the wetlands indicated there is a substantial amount of invasive species in the area, she reported, though she is unaware whether there are any trees that would be impacted.

Mr. Prause indicated that the other, previous application was for a special exception, and questioned why a special exception application was not submitted with the current application.

Ms. Busch replied that the proposal with the new lot lines does not require a special exception for a rear lot because it meets the criteria of the subdivision regulations.

Ms. Bertotti reported a comment from Mr. Bordeaux, a recommendation that, if the Commission proceeds to approve the application for the re-subdivision, language would be required to be placed on the land use documents, essentially on a deed, for the proposed Lot No. 4, so that at the time of the transfer of ownership of that lot, a future owner would be put on notice that they will be responsible for maintenance of the extended wetlands area, which is completely located on that lot. The language was not previously recommended because the extended wetland area was spread through two or more lots at that time, Ms. Bertotti said. She noted that there was a conversation with the applicant's agents and the condition was accepted. The technical review of the application is complete and there are no technical comments, explained Ms. Bertotti. She advised the Commission that the review of the re-subdivision application is under the provisions of the subdivision regulations and is similar to a site plan review. If the application meets the requirements of the zoning regulations and the subdivision regulations, the Commission has administrative powers. This type of review is unlike a special exception, she described, because in this case the Commission does not review impacts such as traffic impact and things of that nature. The subdivision in a zone that does not require a change of zoning district is supposed to have a street that already satisfies the traffic that will come with the subdivision, she said.

Mr. Bordeaux stated that, if the Commission approves the re-subdivision application with the condition, the modification is redundant, and the condition will hold more weight. The applicant has agreed to work with Planning and the Town Attorney to draft appropriate language to put in the deed, he reported.

Mr. Stebe questioned whether Mr. Bordeaux was referring to the two spots on the northern end of the lot for wetlands, or whether it would include the depression for the catch.

Mr. Bordeaux responded that it refers to the developed extended wetland area, which will be where the stormwater will be first received. The primary area of maintenance, Lot 4, where stormwater will be received, he explained, will slowly drain or overflow, in the case of an extreme event, to the wetlands.

Mr. Stebe inquired what maintenance would be involved.

Mr. Bordeaux replied that there is language on the plan sheet, which the engineers can provide and can be reviewed if desired before the approval; additionally, the intent is to have the Town Attorney review the language before placing it on a deed.

Mr. Stoppelman sought clarification, as the condition in the Commission's documents states Lot 4, and the map shows Lot 3.

Ms. Busch responded that it does refer to Lot 3.

The Chairman opened the hearing to the public.

Ms. Raelene Cronin, who lives at the corner of Wellesley Road and Henry Street, introduced herself, noting that she is indirectly impacted as the woods behind Bowers School are impacted. She identified the area as a wildlife habitat, noting that there is little wild space in the neighborhoods of central Manchester. This 10+ acre area is a sanctuary for trees, birds and animals, and is a precious resource that, once developed, will be gone, never to return, according to Ms. Cronin. Additionally, she expressed concern about the hydraulic conditions as put forth in the plans. Admitting that she is not an engineer, Ms. Cronin said the plans do not actually mitigate the effects of road chemical runoff; deep sump wells only hide the issue until such time as they are addressed or an unnatural disaster occurs. Ms. Cronin commented that the existing wetlands provide flora and fauna for the natural processes of life in the surrounding areas, and additional runoff will not have a positive impact on the environment. Allowing additional runoff to drain into a resident's back yard, as in 386 Parker Street, can negatively impact their property value. She also noted that, if there is clear-cutting during construction, that will raise the problem of sediment and runoff. In the current plans, there is ample space on Lots 2 and 3, or perhaps just Lot 3, for a wildlife right of way to include the inland wetlands, stated Ms. Cronin, which would reduce in some small part the impact to Lot 4, which is a quality of life issue for existing homes and families in the area. She explained that one factor when considering moving is her location because of Bowers School and the 10-acre parcel of woods and wetlands which forms her daily life. The flora and fauna create an oasis of nature in a microcosm in the middle of town, unlike the man-sculpted trees, she described.

Ms. Ann Marie Mello, 19 Radding Street, introduced herself. She responded to a comment that Ms. Busch made to Mr. Stebe, reporting that the reason the residents believe the pipe will be placed in the wetlands is because the church plans to build church-owned and operated senior housing. There is a plan of the future plans inside the church, she stated. In her opinion, the pipe placement would be perfect for the church's next project. Ms. Mello commented that she and her neighbors are of the opinion that four extra houses are too many to be squeezed into a small area, which is completely

landlocked by houses, fences, and woods, with no extra access to the space other than Earl Street. She described Earl Street as the only entrance to the neighborhood, and expressed her concerns about a potential emergency where cars may be parked on the street. Ms. Mello noted that the existing residents never imagined their neighbor would sell half of the back yard to build houses. Noting that there are other lots similar to Lot 5 in town, she stated that none of them are located in a similar area.

Ms. Mello also reported that, on the proposed plans, the fire hydrant is proposed to be relocated from Radding Street to the bottom of the dead-end. If the fire hydrant is relocated, the next closest fire hydrant is at the corner of Asylum and Buckingham Street, and this could pose a risk to the homes on Radding Street. Additionally, she explained, after speaking with her homeowner's insurance company, she learned that the relocation would cause the homeowner's insurance rates for homes on Radding Street to increase, since the hydrant would be moved off the street. Ms. Mello suggested another fire hydrant should be added to Farmington Street. She stated that she also has a concern that the proposal is to widen Farmington Street from 40 to 50 ft., and as the Town owns the first 10 ft. of the property, she questioned whether the lots would be 10 ft. less.

Ms. Mello also addressed the wildlife concern, reporting that, over the past 45 days, there have been more than 10 sightings of bald eagles in and around the woods and existing properties on Radding Street and Farmington Street, and around Bowers. Though the residents are unsure of where the nest is located, her research showed that wetlands are a huge part of bald eagles' habitats, and in the colder months, eagles hunt in the wooded wetland areas. She said she found in her research that, by disturbing where eagles hunt, the nests can be disturbed if they are close by, even if the nest itself is not touched. Foxes and deer venture into her back yard from the woods, according to Ms. Mello. She stated that she and her neighbors get water in their back yards during and after rainstorms, and noted the rushing water in Bigelow Brook, which runs through the 300 Parker Street property after rainstorms.

Ms. Mello referred to a comment made by Mr. Kidd during a previous meeting that he believed the plan would not be financially viable without Lot 5. Mr. Kidd did correct himself and said he could not make a decision based on the financial aspect, Ms. Mello said, but she felt the comment was inappropriate. She expressed her hope that money is 100% out of the decision.

Attorney Nicole Mule, 33 Radding Street, introduced herself. She informed the Commission that she is an attorney, but is at the meeting on her own behalf, and her comments do not reflect her clients or firm, but are solely her own. Attorney Mule asked that the Commission review both the petition and the information and arguments that she and her neighbors will present, and consider the unreasonable pollution, impairment and destruction of resources that they allege will occur as a part of the subdivision and erosion control plan. Manchester's regulations require that the Commission consider whether there are any feasible, prudent alternatives which would cause less or no environmental impact, she indicated. Attorney Mule continued that if the Commission finds that there is a feasible and prudent alternative, the regulations give the Commission the authority to either deny the application or approve it with conditions, modifications or limitations.

Attorney Mule reiterated her neighbor's comments that the plan proposes to relocate the fire hydrant to the northeast corner of the cul-de-sac, which is on the corner of her property and will have a negative financial impact on her and her neighbors as the insurance rates will go up. The proposed expansion of the road will remove bushes and shrubs that form a natural barrier from the neighbors' property, and she

asked the Commission to consider asking the applicant what compensation will be offered for that loss. She stated that the proposed common driveway for Lots 3 and 5 is uncharacteristic of the neighborhood and was a concern for the denial of the last subdivision application. The land is currently unsuitable due to flooding, she detailed, and was recently featured on News Channel 3 for severe flooding in the area that affected the Farmington Street and Radding Street neighbors. In addition, she reported, the application does not include a satisfactory investigation of alternatives to the proposed layout; it only offers one option. She stated that alternatives are required under Manchester's regulations.

Attorney Mule indicated that the project is too large for the site, causing direct and indirect impacts on the wetlands and watercourses. At the first meeting, the applicant alluded to that fact, acknowledging that the plan would not be feasible without the subdivision of all five lots, she reminded the Commission, and there is very limited data in the application to show both the short and long-term impacts of the proposed regulated activity on the wetlands and watercourses. As such, she stated, the application should be viewed as having a significant impact and the subdivision should be denied. Realizing denial may not be the only option, she said, she did not see anything in the file that would be labeled an alternative analysis. Several sections of Manchester's regulations require the Commission to consider, as part of their decision making, a feasible and prudent alternative to the proposed regulated activities, which would cause less or no environmental impact to the wetlands and watercourses, according to Attorney Mule. However, she said, the applicant has not given the Commission an alternative to evaluate an option which would have less impact on the wetlands and watercourses. She stated that there is a very obvious alternative which could avoid all direct impacts, which is to turn the subdivision into fewer parcels, and the residents urge the Commission to consider only Lot 1 and Lot 4.

Virtually all the drainage from the development site flows south, Attorney Mule reported, and questioned whether the applicant has the right to drain the volume of stormwater that will result into this very southern connection. She referred to the gravity sewer, and noted that the applicant proposed the 28" sewer line south as a gravity pump. Currently, the pump on Farmington Street, she assumed, is also a gravity pump, and that is pumped out by the Town every other week, posing a high cost to the Town. Ms. Mello requested that, if a decision is not rendered on the subdivision and erosion plan at the current meeting, the Commission keep the public hearing open as an avenue for the residents to provide further comments.

Ms. Vanessa Cameron, 327 Parker Street, introduced herself. She stated she is concerned about where the equipment will access the project, noting that Earl Street is very narrow. In addition, she reported, there is a DCF program in the area and she questioned the impact. Ms. Cameron also noted that a nearby synagogue uses the area at Bigelow Hollow, and questioned the effect on them. She speculated that if accessing from the Farmington Street area to 300 Parker Street, they will have to dig up part of the church's driveway, which would be very close to the wetlands. The plan depicts 386 Parker Street and it was stated that there would be an impact on that property, Ms. Cameron said. She reported that, when a neighbor wanted to erect a fence, neighbors wrote letters to be part of the public record. She questioned whether there is something on the public record from the owner of 386 Parker Street stating that he has allowed that, or that he knows it may impact his property to the point that he would have to be in charge of making changes and would also have to pass that on to the next person he sells that property to. She also expressed her concerns about the disruption of traffic on Parker Street, which is busy at certain times of the day. She communicated her worry that the potential disruption of water in the area may hurt the many deer in the neighborhood. In addition, she reported difficulty accessing the

meetings online, which was confirmed by other attendees and corroborated by the Commission's attempts.

A discussion ensued between Commission members, staff and attendees concerning the difficulty accessing the meeting videos.

Ms. Kathleen Draghe, 29 Farmington Street, introduced herself. She explained that the fence to be placed will be between her yard and the neighbor, and noted that there are currently pine trees and shrubbery with only a small open space. During winter months, the roadway is very slippery and she has difficulty maneuvering into her driveway and, therefore, it is highly likely she will slide into the fence.

Mr. Prause confirmed that Ms. Draghe lives in the lot at 41 Farmington Street. He noted that the fence concept was integrated after she had spoken at a public hearing, and the Commission never received feedback on the change. He inquired whether she had an opinion on the buffer.

Ms. Draghe reported that she had spoken to Ms. Bertotti, questioning why a fence was needed, and Ms. Bertotti's response was that the fence would be for privacy.

Ms. Bertotti noted that the fence topic was related to the re-subdivision. There is a proposed fence around the existing lot, and it was probably in response to Ms. Draghe's concerns raised at the prior meeting.

Mr. Prause concurred, stating that at the last meeting there was concern regarding light shining in because of the driveway configuration.

Ms. Draghe asserted that there are pine trees blocking that currently.

Ms. Mello requested information about where the temporary construction access road would be located and requested Ms. Busch's description.

Ms. Busch responded to the public comments. Regarding the hydraulic conditions and concern that the proposed stormwater management system would not treat the water, she reported that the proposed system will treat the water, based on the water quality volume from the Connecticut Stormwater Manual. Currently, the road runoff from Farmington Street discharges directly to the wetland system, and the proposal is to incorporate stormwater management with treatment to a wetland area prior to an overflow to the wetlands and, therefore, will improve the stormwater treatment prior to reaching the wetland, she explained, and is consistent with the town of Manchester zoning requirements.

According to Ms. Busch, the cul-de-sac is designed to the Town of Manchester Improvement Standards and would allow a fire truck to drive down the cul-de-sac and make a full turnaround, as opposed to the existing condition, which is a non-improved cul-de-sac and does not meet the requirements.

Regarding the relocated fire hydrant, Ms. Busch stated that the proposal was reviewed by Town staff and the Engineering Department. The applicant would be willing to inquire whether it would be prudent to maintain the existing hydrant in its location and provide a secondary hydrant, she said.

Ms. Busch commented on the discussion of disturbance to existing lots off 40 and 41 Farmington Street and said there are no impacts to any lots other than 40 and 41 Farmington Street. The work is exclusively on 40 and 41 Farmington Street, she explained. Referring to a concern about impacting wetlands, she reported that there will be no direct impact on the wetlands; the applicant received wetlands approval for the project in January.

Regarding the stormwater management system, Ms. Busch stated, there is an indication that stormwater should not be allowed to flow offsite. However, she explained, the current stormwater flows southerly to northerly through the wetlands system and the extended wetland area attenuates the peak flow and meets the Town of Manchester requirements for stormwater management. Ms. Busch referred to a comment regarding the sewer and the existing Farmington Street houses reporting that the Town is required to pump the system frequently. She stated that, once the gravity sewer system is installed, it will be owned by the Town and existing houses on Farmington Street could be connected to it, perhaps reducing the cost for pumping of the existing system.

Ms. Busch referred to construction access, which will be off Farmington Street and is detailed on the erosion and sediment control plan. There is a construction entrance located on the edge of the existing Farmington Street roadway; there has been no discussion about an access drive over 300 Parker Street for the main construction access, she reported.

The fence was added to the plan for privacy, Ms. Busch explained, but if damage is anticipated, the applicant would entertain reducing the amount of fencing along that property line or eliminating it depending on the preference.

In terms of wildlife habitat, there is a proposed swath that will not be impacted from the extended wetland area going east along the property, according to Ms. Busch. She also reviewed the Natural Diversity Database that is available through the State and there were no indications of species in the area that would be impacted by the construction.

Mr. Prause mentioned reported flooding on Farmington and Radding Streets and asked whether Staff had any information.

Mr. Bordeaux responded that he does not recall any information about flooding on Farmington or Radding Streets. However, he stated, on Middle Turnpike, Bigelow Brook crosses the road and goes underground all the way beyond the high school and he is aware that area backed up on one occasion and completely flooded Middle Turnpike.

Mr. Prause noted the comment regarding the fire hydrant. He reported that he did not locate anything in the Subdivision Improvement Standards referring to moving existing fire hydrants. He sought clarification that the current plan is to relocate the existing fire hydrant.

Ms. Bertotti reported that the current proposal is to relocate the fire hydrant. The plan was reviewed by the Town Fire Marshal, who provided no comments on the topic, she stated. It is unclear whether either one of the two options would still work, she explained, and stated it is possible the proposal was reviewed and met criteria.

Mr. Anderson addressed several statements, the first of which was regarding alternatives that should be proposed. He stated that was in reference to the wetlands regulations, not the subdivision regulations. Additionally, regarding the Town's website, Channel 16, the Town takes public communication seriously, and he apologized on behalf of the Town that it was not working. Mr. Anderson noted that the web page is not the purview of the Planning Department, and staff will pass the issue to the Information Systems Department to take the necessary steps.

Mr. Kennedy made a motion to close the public hearing.

Mr. Prause questioned whether the Commission believes enough loose ends have been addressed. He questioned whether the fire hydrant issue would be something Planning would have to consult the Fire Marshal about.

Mr. Anderson questioned what fire hydrant configuration the Commission would be entertaining.

Mr. Prause acknowledged that he is in favor of not making modifications to existing fire hydrants.

Mr. Anderson reiterated Mr. Prause's statement about not moving the fire hydrant, with which Mr. Prause agreed. He stated the issue could certainly be addressed with the Fire Marshal.

Ms. Bertotti reported that it could be a plan modification rather than a delay on the decision, as it is something that can be vetted by the Fire Marshal and approved by him, and the Commission could be shown revised plans as a plan modification.

Mr. Kennedy inquired whether fire hydrants are the Planning Commission's jurisdiction under the regulations or if they are under the Fire Marshal's purview.

Ms. Bertotti replied that the location of fire hydrants is not under the Planning Commission's jurisdiction, though the provision of fire safety measures is within the Commission's purview. She recommended that the decision should not be on hold based on the hydrants.

Mr. Stebe commented that Ms. Busch stated the applicant would be willing to explore retaining the original location and installing a hydrant in the cul-de-sac as required by the Fire Marshal. He acknowledged a speaker who commented that her homeowner's insurance rates would be adversely affected.

Mr. Prause, referring to the fencing, questioned whether the applicant had a preference as to wording in a modification to review the fencing.

Ms. Busch stated that she does not believe there is a preference, as long as it would meet staff approval based on their understanding of the neighbor's concerns. If the neighbor wants the fence, they will keep it, she reported, but if they want it removed, it can be removed.

Mr. Prause asked if there was a recommendation on how to word that as a modification.

Ms. Bertotti said that she would recommend that the applicant ask the only neighbor that is directly affected by the fence. The remainder of the lots will be sold by the church, she reported, and the other lots can build fences if the owner wishes. Every lot in the subdivision will have the ability to erect a fence if they choose, she explained, and if the neighbor in question chooses to not have a fence at this time, it can be removed from the plan. She reiterated that fences are permitted as of right under the zoning regulations.

Mr. Stoppelman interjected that, if he remembers correctly, 400 ft. is the break on insurance costs for a fire hydrant. Staff would need to ascertain what the distance is to determine whether this is relevant or not.

Ms. Raelene Cronin reported that the applicant stated that the State of Connecticut does not believe there is any impact to the wildlife. She noted that the State of Connecticut does not care about a 10-acre plot, and she doubts that anyone went out to see what is out there.

Attorney Mule requested the Commission obtain the information from the applicant about whether will they reimburse the neighbors for demolishing the bushes and shrubs that currently form a natural fence on their properties when they widen the road.

Ms. Busch explained that there will be no impact to the properties adjacent to 40 and 41 Farmington Street. The widening of the cul-de-sac is only occurring at 40 and 41 Farmington Street, and any vegetation that is removed would be within those properties and not on any adjacent properties that are not owned by the Trustees of North Methodist Church.

MOTION: Mr. Kennedy moved to close the public hearing. Ms. Ike seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – To add a new section, Art. I, Sec. 5, provisions for the posting of public hearing signs when public hearings are required. – Zoning Regulation Amendment (2018-024)

Ms. Renata Bertotti, Senior Planner, introduced herself. She reported that the topic of public hearing signs has been discussed on and off for a number of years with the Planning Commission. The proposal relates to notifying immediate neighbors of public hearings, she stated, and the matter has been discussed many times and workshops have been held, and each time the Commission voted not to proceed with the posting of public hearing signs. Ms. Bertotti reported that, at the most recent discussion, the Commission asked staff to draft a regulation for consideration. When there is a public hearing scheduled, under the Connecticut General Statutes, the Planning Department is required to advertise the legal notice in the newspaper, she explained, within specific timeframes that cannot be deviated from. In addition, the Planning Department sends letters to adjacent abutters, which are not required under the Statutes or Town regulations, according to Ms. Bertotti. There have been comments from the public that the abutter notices have not been sufficient for the surrounding neighborhood and perhaps a wider area needs to be considered, she stated. The posting of public signs, she elaborated, could be one way to address the issue; the Commission also discussed a mailing to a wider area.

For the proposed language, Ms. Bertotti explained, staff has prepared two options:

Option A:

Regarding public hearings, both for the Planning Commission and the Zoning Board of Appeals (ZBA), pre-printed signs will be provided by the Planning Department with a generic notice regarding an upcoming public hearing, with contact information included, Ms. Bertotti said. There will be provisions regarding the location of sign posting, and the sign will remain on the subject property for at least 10 consecutive days prior to the meeting. Ms. Bertotti stated that she chose the number of days based on surrounding towns' requirements, noting that the public hearing ad must be in the newspaper no less than 11 days prior to the meeting. The signs must be visible and cannot be posted flat on the ground. If the sign is damaged, removed or otherwise tampered with, the applicant will replace it within two business days, which places the onus on the applicant to monitor the signs. In addition, if the Planning Department receives notice that the sign is not posted, staff would contact the property owner or applicant and ask them to take care of the sign. At the commencement of the public hearing, the applicant would have to submit to the Planning Commission an affidavit stating that a sign was posted for no less than 10 days and that the sign was maintained properly in accordance with the provisions. Ms. Bertotti referred to prior concerns about an applicant not maintaining a sign, i.e., whether the hearing should be delayed, and whether a legal issue is created. She reported that Staff spoke with the Town Attorney, who instructed Staff to add language stating that a hearing could be postponed if the Commission finds the signs were not maintained properly, though it would be the Commission's decision.

Option B:

Option B allows more flexibility, Ms. Bertotti said. She explained it also requires posting of signs for all hearings, noting that the ZBA is on board to post signs for their public hearings. The ZBA has stated that whatever the PZC decides regarding the signs, they will follow suit, she said. Signs will be provided by the Planning Department, Ms. Bertotti said, and the proposed Option B again notes the location to post the signs and states that the message must be clear. At some point prior to the commencement of the public hearing, evidence of the sign posting can be delivered, Ms. Bertotti said.

Mr. Anderson added that the idea behind Option B is that Option A endeavors to consider and address all potential issues; Option B does not address all the potential issues, i.e., replacing a sign, replacing it within two business days, the affidavit, postponing the hearing, or other challenging issues.

Ms. Bertotti commented that, in her tenure, notification has rarely been an issue. In her review of communities posting public hearing signs, planners are of the opinion that it is a good measure to notify the immediate neighborhood and to use as a tool to avoid sending abutter notices, as it is easier than researching every legal address. However, she reported that Planning does not intend to eliminate abutter notices.

Mr. Anderson reiterated that the abutter notifications are a long-term accepted practice and Planning will continue that practice.

Mr. Prause referred to the list of surveyed towns, noting that neighboring towns such as South Windsor, Bolton, East Hartford, and Glastonbury post signs. In addition, he commented, it makes sense to adopt the regulation as people are subscribing less to newspapers and are less likely to read public hearing notices. He reported that a comment from West Hartford stated that the signs are overall one of the most effective methods of noticing applications, because the people most likely to notice are those closest to

the location and most likely to be impacted. Mr. Prause expressed his preference for Option B, which allows applicants to provide evidence the signs were posted, and omits the burdensome details in Option A. He agreed that the existing notification for abutters should be maintained.

Mr. Kennedy asked if Planning increased the abutter notices to second tier abutters.

Mr. Anderson responded that Planning has held that decision until the sign issue has been acted upon.

Mr. Stoppelman reiterated that his preference is to expand the abutter notices, but if the proposal is a practical solution that most towns have adopted, this may be a prudent method.

Ms. Ike questioned whether the survey was part of the meeting packet.

Ms. Bertotti responded that the information was in the workshop's packet.

Mr. Stebe stated he was leaning toward Option B, but noted that option does not state a timeline.

Ms. Bertotti clarified that Mr. Stebe prefers Option B with the addition that the signs shall be posted no less than 10 days prior to the hearing, and agreed that could be added.

Ms. Betty Copeland, 33 Cole Street, introduced herself. Ms. Copeland agreed with the sign proposal because, when she has attempted to get public notices, some were not posted at Town Hall. She noted that Ms. Bertotti has been very helpful. In her opinion, residents will not stop at the Town Hall to check on public hearings.

MOTION: Mr. Kennedy moved to close the public hearing. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the public hearing at 8:35 P.M.

I certify these minutes were adopted on the following date:

June 4, 2018

Date

Eric Prause, Chairman

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