

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
SEPTEMBER 5, 2018**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Michael Stebe, Secretary

Alternates: Patrick Kennedy  
Julian Stoppelman

Absent: Andy Kidd  
Jessica Scorso  
Timothy Bergin  
Teresa Ike

Also Present: Gary Anderson, Director of Planning  
Matthew Bordeaux, Acting Senior Planner  
Nancy Martel, Recording Secretary

**MOTION:** Mr. Kennedy moved to suspend the rules and take up Item #2 of New Business.  
Mr. Stoppelman seconded the motion and all members voted in favor.

The Chairman tabled the Public Hearing at 7:12 P.M.

The Chairman re-opened the Public Hearing at 7:22 P.M. The Secretary read the legal notice when the call was made.

KRISTINE CARLSON – Re-subdivision of an existing lot at 637 South Main Street into eight lots, including construction of six additional residential properties and one open space parcel. – Resubdivision (2018-057)

Mr. Pete Parent, CME Associates, introduced himself as representing the applicant. Mr. Parent explained the location of the property, stating that there are existing structures on the property, a multi-family building and two outbuildings as well as a small pond that appears to be a man-made irrigation pond. The applicant is proposing a conservation subdivision, Mr. Parent explained, which will provide a slightly larger open space parcel as well as six residential lots. The applicant addressed comments from Town Staff, and he proceeded to enumerate:

- Bring the existing conditions plan onto the Manchester grid system. That has been done and notes have been added to the plan set to that effect.
- The formal subdivision plan, which demonstrates the setbacks and areas, metes and bounds descriptions of each individual lot.
- The larger lot is the open space lot, which provides slightly greater than the required open space for the conservation subdivision.

- Individual site plans – Each house will be serviced by an onsite septic system but will have access to public water. Public water will be from Line Street. All septic will be in the rear of the property. Most of the house lots will have walk-out basements due to the grade of the land.
- Soil onsite is very well drained. Rooftop runoff will be infiltrated via underground detention systems to help with storm water.

In response to comments, the applicant added Town of Manchester Standard Details for the bounds that are required at the property corners and driveways, Mr. Parent reported.

Mr. Prause inquired whether Mr. Parent wished to discuss the Inland Wetlands Permit.

Mr. Parent stated that the property is just outside of the boundary for the inland wetlands regulatory area with some of the development. He noted the applicant went before Conservation Commission, which had some recommendations on the lot layout, and the plan was revised to address those recommendations.

Mr. Prause asked Mr. Parent to indicate on the map where the inland wetlands are and where the upland review area begins.

Mr. Parent, pointing to the map, described the two wetland areas and associated upland review areas. He noted that the septic system on the existing lot, which is proposed as a repair if needed depending on the future use of the building, is located just outside the boundary of the regulated area. He also noted the pond that bridges the boundary of Lot 2 and the Country Club property. The proposed septic system on Lot 2 is located approximately 40' away from the regulated area.

Mr. Prause inquired whether there will be any work done in the upland review area and Mr. Parent replied that there will not be.

Mr. Prause assumed that the existing structure shown on Lot 1 will not be altered. Mr. Parent reported there are no plans currently to alter that structure.

Mr. Prause noted that on the first new lot to the east there will be no work in the wetland area.

Mr. Parent explained that at one point there was a footing drain heading in that direction, but the applicant was able to make the necessary change.

Mr. Prause questioned whether Mr. Parent wished to go over the erosion and sedimentation control plan.

Mr. Parent, pointing to the site plan, depicted the areas where silt fences will be. There will be stockpile locations on each lot, he reported. In addition, Mr. Parent stated that each lot will have a construction entrance.

Mr. Prause stated the application is for a cluster subdivision, changing the setback requirements to Residence AA zone setbacks.

Mr. Parent responded that essentially that is what the cluster subdivision allows. He noted the requirements were delineated in the table on Sheet 3 depicting the maximum density, minimum lot areas, frontages and side yards that are required.

Mr. Prause asked about the final density.

Mr. Parent reported the final density will be 0.62 houses per acre.

Mr. Stebe noted that across the street is Glastonbury and asked how the proposed lots will compare.

Mr. Parent explained that the proposed homes are fairly comparable, and pointed to the lot sizes across the street.

Mr. Stebe, noting the homes' septic systems will back up close to the upland review area, questioned how the proposal will relate to the number of people in the house.

Mr. Parent reported that the septic systems are designed per the Connecticut Public Health code, which was revised this past January, reducing the previous requirements. He proceeded to explain the previous and current requirements. The soil in the area is very well drained with very good perc rates, very good test holes, and no mottling to speak of, according to Mr. Parent. He stated that he is fully confident that the septic systems would be able to handle the flows proposed.

Mr. Prause inquired about the open space that will be set aside.

Mr. Parent explained that the minimum required open space for the conservation for a cluster subdivision is 25% of the total lot area, which equates to about 123,200 sq. ft.; the applicant is providing a slightly larger area than that at 123,500 sq. ft. The open space will abut five of the properties to their immediate rear and shares a boundary with Manchester Country Club. This open space will remain with the property at this point, but that has not been set in stone.

Mr. Bordeaux commented that he can relate the Conservation Commission's discussion with Mr. Parent at the June meeting. The recommendation from the Conservation Commission is that they approve of the location as it provides a nice buffer between the homes and the golf course. It protects the wetlands. The recommendation to move the access strip from between two residential homes was made to avoid any squabbles over maintenance and encroachment and to provide a greater buffer along the eastern edge of the proposed subdivision and the golf course parking lot and Tee 10. Mr. Bordeaux explained that one comment the Conservation Commission made, which is referred to in the Commission members' packets, is that the Planning and Zoning Commission requires a clear demarcation of the limit of the open space. He could not speak to whether or not the recommendation would be in the form of a conservation easement, in which case the conservation easement medallions are installed or signage is installed along the limits to prevent playscapes, gardens, etc. to encroach inadvertently into the open space, he stated. Mr. Bordeaux referred to Comment 3 in the Conservation Commission's memo dated June 20, 2018, which stated that it is the recommendation of the Conservation Commission that open space be left in its natural, undisturbed state. Because of the size of the parcel and because of the nature and use of the Country Club to the north, he noted, it is not the most desirable area for a hiking path or playground. The Conservation Commission determined it would be an appropriate location to leave a wooded buffer, according to Mr. Bordeaux.

Mr. Prause referred to the Conservation Commission's preference that demarcations should be considered at the limits of the open space and that it remain an undeveloped open space, and questioned whether the Commission would consider those as modifications in the final motion or as conditions of approval.

Mr. Anderson thought that if the applicant was open to a note on the plan defining how those limits would be marked, that can be done after approval as a modification.

Mr. Bordeaux assumed that it would be minor enough in nature that it could be a modification. It could be reviewed by Staff as long as the Commission provides whatever direction they see fit and, because there are other outstanding Staff review comments that will require modifications to the plans, another modification could be tacked on if the Commission specifies.

Mr. Prause questioned whether it would make sense to add that as a condition of approval.

Mr. Bordeaux believed it would be minor enough in nature to include it as a modification.

Mr. Prause asked about any features of the open space; i.e., any scenic vistas or just a wooded plot of land.

Mr. Parent stated it is essentially just a wooded plot of land. He noted there is a pond that runs between the two properties. There is a high point that is partially within the open space and partially within a lot, but essentially it is just a sloping wooded section of land, he noted. A small historic foundation, part of the old rifle range in the area, according to Mr. Parent, is located on the property.

Mr. Prause asked if there would be any issue with adding demarcations at the end of the properties to show where the open space starts and if there would be any issue with leaving it in an undeveloped open space condition.

Mr. Parent thought that leaving it undeveloped would maintain a nice buffer between the residences and the golf course. In his opinion, no one would have an objection to posting placards along that line to let property owners know where their property ends and the conservation begins.

Mr. Stoppelman stated he is concerned about the two non-residential items in the area:

1. The golf course, which he believed was covered.
2. The police range.

Mr. Parent noted no concerns about the police range have been raised with the family. There is a residential neighborhood across the street and he did not believe there were any major concerns with it.

Mr. Stebe stated there were a couple of memos regarding the sidewalks as part of the application and was concerned about how that would be approached.

Attorney Richard Conti introduced himself and explained his involvement in the project. In 2007, the partners of Carlson Associates, the owner of the parcel, began litigating a partnership dispute in the Superior Court in Hartford, which went on for eight years. In 2015, Attorney Conti explained that he received a phone call from the presiding Judge in Hartford asking whether he would be willing to be the receiver for the partnership property. His principle charge from the court was to sell the property and liquidate the partnership. In the course of completing that, a couple of lots on South Main Street were sold as well as some lots in Glastonbury and Manchester. There was a determination that perhaps a subdivision of this parcel would be appropriate, according to Attorney Conti, leading to the current application. He explained that he does not represent the partnership or the partners, but represents the court as the receiver appointed by the court. Attorney Conti stated his goal is to maximize the value of the partnership when it is liquidated. Therefore, when he determined that there was an approximately \$35,000 for fee in lieu of the bike path, he and CME sent a letter on behalf of the applicant to consider the possibility of not requiring this payment. Attorney Conti noted that this is not the typical developer

with his or her own money involved in the project; this is a partnership overseen by the court and he must account for all of the income and distributions out of the partnership. His obligation is to see if there is any way the Commission can see an alternative to the \$35,000 fee. Attorney Conti noted that there are no properties along Line Street with any sidewalks or bike paths.

Mr. Prause asked if there was any legal justification for why the Commission would not charge the fee.

Attorney Conti replied that he recognizes and has read the subdivision regulations and cannot point to a statute or a case stating that a Planning and Zoning Commission should waive either the construction of the bike path or a fee in lieu of that. Because of his position and his obligations to the court, he explained he is asking for said consideration.

Mr. Anderson stated that the requirement to install a sidewalk or the Commission's option to accept a fee in lieu of installation is mentioned in both the subdivision regulations and the Town Ordinances. There is a Town Ordinance that requires owners of land to either install a sidewalk in accordance with the Town Public Improvement Standards or it allows the Commission to accept a fee in lieu of that installation, according to Mr. Anderson. The Planning and Zoning Commission, he further stated, does not adopt the Town Ordinances; it is the Board of Directors' job to do that. The Commission's options, according to Mr. Anderson, are to either require the applicant to install sidewalks or to accept a fee in lieu of installation. The Town Ordinance also requires that, in order to accept a fee in lieu of installation, there must be a determination by the head of the Department of Public Works recommending that accepting a fee would make more sense, he said. There is a memo from the head of the Department of Public Works stating this, he said, backing up the comment by then Assistant Town Engineer Michelle Handfield dated June 28, 2018. Mr. Anderson noted that in the Town Ordinances, it is mentioned that the Planning and Zoning Commission's Sidewalk Plan calls out where in town new sidewalks and bituminous paths are proposed. Line Street is included on that plan, he explained, and shows a bituminous path in that area. Based on discussion with the Town Attorney's office today, Mr. Anderson assured the Commission they are within the legal framework, stating that the Commission can make the determination on whether to accept a fee in lieu of installation, but the applicant, in this case, is required to do one or the other.

Mr. Bordeaux stated that Ms. Handfield's comments, dated June 28, 2018, included the recommendation that the developer pay the fee in lieu of rather than install the sidewalks, and that is noted in the draft motion memo, specifically because the comment addresses the sidewalk requirement. Since that memo, he explained, there has been another memo provided to the applicant. Subsequently, Mr. Bordeaux reported, the applicant has revised the plans and, on further review, there were some additional comments from the former Assistant Town Engineer, Ms. Handfield, dated July 20, 2018. She noted that Mr. Parent had informed her that the comments are minor and technical in nature, had already been substantially addressed, and will be provided on a set of final plans. Mr. Bordeaux stated that Ms. Handfield reported they do recommend approval with modifications requiring that the comments she noted are addressed in the final plans. Additionally, there are comments from the Water and Sewer Engineer, Bernard Kalansuriya, dated July 17, 2018, in which he requested that the applicant provide two additional hydrant assemblies as part of the development. Mr. Kalansuriya also recommended approval with the modifications.

Mr. Kennedy asked Attorney Conti if constructing the sidewalk or the fee in lieu of is more onerous.

Attorney Conti reported the cost has not been investigated at this time. He explained that how the transaction is completed is unclear at this point; exactly when the subdivision map is recorded, when the fee is due and owing, when there is a potential buyer for one or more of the lots, and how the money works, are things that will have to be presented to and approved by the Superior Court in Hartford. Most recently, in a report he sent to the court on August 27, 2018, he pointed out the potential issue of roughly \$35,000 and asked for advice from the court as to how to deal with that. He noted that he does not have the authority to make a determination. According to Attorney Conti, every time something happens, he goes back to Judge Noble and asks for permission to do it.

Mr. Kennedy reiterated Attorney Conti's statement that the way the motion is written, the Commission would adopt the fee in lieu of, because that was in Ms. Handfield's first memo.

Mr. Bordeaux responded that was correct.

Mr. Prause noted, in looking at the sidewalk map, a sidewalk is proposed going from the Country Club down along Main Street, along the length of Line Street, and then up Gardner Street. He noted that while driving out there, he observed many bikers on that very narrow road. In principle, Mr. Prause stated, he does not argue with having a bituminous bike path. He noted that is not something that is adopted often around town but there are some areas that are more rural where it makes sense. Mr. Prause asked for confirmation that the sidewalk plan is revised every five years.

Mr. Anderson replied that is correct. The next revision will be in 2019. He reported there is an upcoming project on Hillstown Road that is similar in terms of the sidewalk plan, and the reason that the Engineering Department is recommending a fee in lieu of is that if the sidewalk is constructed now, it does not attach to the existing sidewalk network. In their opinion, stated Mr. Anderson, it would make more sense, if there was ever a street project on Line Street, to roll that into the entire Line Street project and have the sidewalk go all the way down the street rather than having it done piecemeal.

The Chairman opened the meeting to the public.

Mr. Vern Carlson, 637 South Main Street, introduced himself. He had a series of questions, the first of which he addressed to Mr. Anderson, regarding the proposed bike path. Mr. Carlson asked if this is part of a master plan or an obligation for the Town. He stated he had circulated a petition, and most of the residents of Gardner Street and the area oppose the application. The residents believe the condition of Gardner Street is more important than implementing a bike path, according to Mr. Carlson. He questioned how many bike paths have been installed in the Town of Manchester. Mr. Carlson asked if Mr. Anderson could repeat the dimensions of the bike path. He wondered if the plan is available. In addition, Mr. Carlson was concerned about the depth of the drainage on Lot 2. It was his understanding that the water levels were at 100 inches and 80 inches; he asked if the Commission feels that is sufficient so as to not contaminate the pond. He noted it is home to many wild amphibians.

Ms. Patty White, 441 South Main Street, introduced herself. She stated she is on Line Street and Gardner Street frequently and questioned Mr. Prause about how he knows there are many bikes on Line Street and Gardner Street.

Mr. Prause informed Ms. White that he had traveled Line Street on the day of the meeting.

Ms. White explained that she is on the road every day. She reported she spoke with residents of Line and Gardner Streets, all of whom signed her petition and agreed there were no bicycles on the road. In her opinion, those she spoke with were unhappy with the idea of a bike path. Ms. White questioned where the \$35,000 will go and why the road is not being repaired. She also brought up the dangers of golf carts driving on South Main Street.

Mr. Vernon Carlson questioned the fee in lieu of. He questioned whether the town considered the property a candidate for eminent domain.

Mr. Alan Furby, 635 South Main Street, introduced himself. Mr. Furby asked why the proposed Lot 2 depth exceeds Lots 3 through 7. He questioned what would be the approximate square footage and living space of the proposed structures. Additionally, Mr. Furby inquired about the target prices.

Mr. Paul Jakes, 22 Line Street, distributed information to the members of the Commission. Mr. Jakes stated he is in favor of the resubdivision of 637 South Main Street though he does not approve of the proposal. He enumerated his concerns:

- The property is in a Rural Residence zone, but the developer has proposed to overbuild the property by applying the cluster subdivision regulations. In his opinion, this would be acceptable if the property did not have the wetlands and if it was serviced by city sewers. Each of the lots will have a septic system on small, tight lots. The average lot size is 0.6 acres, which is very small for a septic system.
- Cluster subdivision regulations allow for Rural Residence to conform to Residence AA zone regulations, which require 120 ft. of lot frontage. It was Mr. Jakes' understanding that Lot 2 and Lot 6 do not conform to the frontage in the AA zone, and obviously do not conform to the Rural Residence zone. The cluster regulations also allow for shorter front yard setbacks of 40 ft. instead of 50 ft., which in his opinion should not be allowed. Mr. Jakes reported that the lots across the street, which are narrower, were approved in the 1960s-1970s. He recently received approval on two lots at 22 Line Street; they are over an acre each and have septic as well as city water. There were some lots on Line Street approved in the Town of Glastonbury, which are well over one acre lots. The Rural Residence zone does not permit multi-family homes, although there is a special exception for a house conversion to two families. There is a four family on the property that was condemned by the Manchester Health Department because of toxic levels of lead and issued an order June 6, 2006. On July 15, 2006, according to Mr. Jakes, Carlson Associates agreed to demolish the house. According to a Town letter dated September 11, 2013, it appears that unapproved demolition has been done on the property without proper permits by unlicensed individuals and since its condemnation, the property continues to be occupied by Vernon Carlson without a certificate of occupancy, without running water, without electricity and without a waste disposal system. In the past, Mr. Jakes stated, he and his attorney sent letters to the Town without any response and he continues to illegally occupy the premise. Additionally, he said, the four-family does not conform to proper setbacks according to its zone. If the property is to be subdivided, he asked why the parcel is not being subdivided in equal parcels; there is one 3.6 acre lot and many half acre lots. He questioned whether the 3.6 acre parcel could be subdivided in the future. Mr. Jakes pointed out that, on the engineering

map, 637 South Main Street water service is not shown. He inquired whether it will be serviced by city water. He explained there is a private well water line that travels through his property and terminates on the property at 637 Main Street. The water is supplied by a well approximately 1,300 ft. away on another property owned by the Carlson family that at one time was condemned by the State of Connecticut and was to be abandoned. The line ends where the septic system is shown for the four-family and it is not shown on the engineering map. Mr. Jakes inquired whether the applicant will be required to abandon that well or if the well and city water will be used. He reported there is a dilapidated barn approximately 10 ft. from the road, which is slanting and about to fall down. In his opinion, it should be removed before someone gets hurt. He speculated whether the Town would be responsible to remove it if it falls into the street. Mr. Jakes reported there is another barn on the property that is within the 100 ft. of the wetlands regulated area which also, in his opinion, should be removed.

- Line Street is a narrow street, approximately 18 ft. wide, with double yellow lines, barely enough for two cars to pass. The road is in rough shape. There is no curbing. It is deteriorating along the edges and he speculated as to what shape the road will be in after the lots are developed with another 7+ road cuts for water, 100+ concrete trucks, lumber trucks, drywall trucks, etc. Mr. Jakes commented that the road is already crumbling and he cannot imagine what shape it will be in after the development; he questioned whether the town will be widening or repaving the road. According to the Town of Manchester Sidewalk Plan, property owners are required to install sidewalks and Mr. Jakes stated the developer should install sidewalks, thus eliminating the \$35,000.

Mr. Jakes stated the subdivision should only be allowed if it conforms to Rural Residence zoning and not Cluster Subdivision regulations because of the wetlands and the septic systems required; sidewalks should be required to be installed by the developer; the four family home and barn should be demolished and should not be allowed to be illegally occupied; and the well water line should be abandoned.

Mr. Prause requested clarification about Mr. Jakes' statement that the water line does not extend to one of the properties on the engineering drawing, asking which lot Mr. Jakes was referring to.

Mr. Jakes pointed to the plan, pointing out his property. He said there is an existing well water line that he does not see on the plans, which terminates where the proposed septic for the four-family house is going to be. He noted he also did not see where the city water line is planned to that lot.

Mr. Justice Rogers, 42 Line Street, introduced himself. He reported that he and his family are concerned about the cluster subdivision due to the rural road that they live on, as this will double the number of houses on the quiet, narrow road. Mr. Rogers explained the open area currently serves as a buffer from the Country Club and 384. He stated that the proposed open space will only benefit the developer and will not benefit anyone who currently lives on Line Street. Mr. Rogers reported that the road is in disrepair due to drainage issues that have not been corrected over the years. The additional driveways exiting onto Line Street will create more runoff than the current excessive runoff, he said. Mr. Rogers asked him to comment on the potential extra traffic as a result of the subdivision.

Mr. Anderson set out to answer as many questions as possible. The sidewalk path/bituminous path on Line Street is a matter of policy approved by the Commission, last in 2014. With the sidewalk plan in place, there is a requirement that a developer either install a sidewalk or pay a fee in lieu of. The sidewalk plan is not exclusively for a bike path; this will be a multi-use path to connect the existing

sidewalk to a bituminous 8-foot wide path which is recommended for more rural areas, according to Mr. Anderson. He reported a multi-use path was recently installed on Hillstown Road between Wetherell Street and Manchester Community College. There are many bituminous paths throughout the town, the East Coast Greenway/Charter Oak Greenway being one of the most significant.

Regarding eminent domain, stated Mr. Anderson, the plan depicts where the bituminous path will be constructed in the Town's right-of-way. The \$35,000 and any other fee in lieu will be placed in a Department of Public Works account specifically used only for sidewalk and curb improvements, he reported.

Mr. Parent addressed the technical engineering questions. In terms of the frontages of the lots, he explained that each lot has at least 130 ft. of frontage. He spoke to the number of lots being constructed with the cluster subdivision vs. Rural Residential. Based on frontage, this will only add one additional lot to the available subdivision. Mr. Parent described that only a small portion of the driveways will drain out onto Line Street and the driveways will ultimately raise back up to the garages to prevent water from running into the garages. Regarding the water line to the existing residence, he pointed to the plan and explained the path as well as the water line throughout the plan. From an engineering standpoint, according to Mr. Parent, the existing structures on the property are all nonconforming. He explained the lot lines were developed in consultation with Carlson Associates. Lot 2 is deeper than the other lots because the open space area was satisfied with the layout and matched up with an existing angle point. Regarding the size of the proposed houses, that will be based on the market, but as depicted, the homes will all be four bedroom homes with garages with a rough square footage in the 2,000-2,500 sq. ft. range.

Mr. Prause noted the comments regarding existing drainage problems on Line Street, and reminded residents to contact the Town Engineering Department directly to make sure they are aware of the problem. He commented about the sidewalk plan, explaining the plan is determined every five years, noting the gaps in sidewalks, sidewalks to be added, removal of sidewalks and to allow for snow shelves. Mr. Prause reported the master plan can be found on the Town's website, identifying areas that are targets. In his opinion, a payment in lieu in this type of area, where a bituminous walking path might not be feasible, is interesting. He suggested that when the plan is reviewed in 2019, it may be wise to look at the impact to a development such as this. Mr. Prause reported that half-way down Line Street there is a parking lot on the north side. He said there were approximately a dozen cars with bikes on the roof, so he assumed they were mountain bikes.

Mr. Stoppelman referred to the statement that if the trail is built, it would be in conjunction with rebuilding the road. He questioned whether there is any indication that is on the forefront.

Mr. Anderson explained Line Street is not on the immediate future plan at this time. He reminded the Commission that it is very hard to keep up with the number of roads that need to be redone. There is a road condition report that the Public Works Department uses to establish priorities for road improvements.

Mr. Bordeaux distributed the letter to Mr. Prause from the Manchester Country Club. He summarized it: The Country Club appreciates the efforts of the Carlson Associates to provide a buffer between the residential homes and the golf course. In their opinion, if the lots that are currently slightly above the

minimum requirement in terms of frontage were reduced and the accumulation of those reductions were added to the eastern edge of the property so the open space would include a greater buffer along the parking lot toward the country club, that would please the country club and provide a larger buffer at the 10<sup>th</sup> tee, which is located at the eastern end of the subdivision.

Mr. Carlson asked what would be the date of the new master plan. He asked if that is an obligation of the Town or if it is a plan.

Mr. Rogers pointed out that if conventional zoning lot sizes were utilized, that would result in a reduction of one house, which is a significant reduction of the subdivision.

Attorney Conti commented that he, unfortunately, represented the losing side in The Town of Tolland that was argued before the Connecticut Supreme Court in 1992 called Property Group, Inc. vs. Tolland Planning and Zoning Commission. In that case, the Planning and Zoning Commission was not allowed to require a developer to widen a road along an existing town road. The premise, he explained, was that if the Planning and Zoning Commission put in place a plan of development that had a particular zone and particular regulations such as this zone and the cluster regulations, the assumption is that the infrastructure that supports those regulations are appropriate to satisfy it. Attorney Conti referred to the comment that this is too much for this particular area, which in his opinion would be refuted by the conclusion in that case.

There was a second comment about the existing structures on 637 South Main Street, stated Attorney Conti, and he noted they were asked to address only one thing with respect to the four-family. The lead abatement order has been in effect for years, and they were asked by the Town to work with their lead abatement specialist to come up with a plan. Attorney Conti reported that plan was paid for and was proposed to the Town. Other than that, he noted, there were no other requests from any Town staff to do anything with respect to any of the structures. In his opinion, the structures would be legal, non-conforming structures even if they may not be able to be built today.

Mr. Prause asked for any details on the sidewalk plan; he did not see anything on the plan itself about adoption date.

Mr. Anderson reported the last one was adopted in April 2014, so he expected that in April 2019 they will be looking at adopting a new plan. Regarding the question about whether the sidewalk plan is an obligation or a plan, it is a plan that is tied to the obligation. The obligation is for the developer to provide sidewalks or a fee in lieu and references the plan.

Mr. Carlson requested a copy of the sidewalk plan.

Mr. Anderson stated the Planning Department could provide him with the plan, or he can look online.

Mr. Stebe questioned Town Staff about comments during the Public Hearing that if the applicant did a standard subdivision rather than a cluster subdivision, there would be a difference of one house. He questioned what would be the difference in the open space requirement with a standard subdivision.

Mr. Bordeaux explained that an open space for a standard subdivision is 10% of the overall parcel minus areas of wetlands and steep slopes.

Mr. Stebe commented that, conceivably, even with the change in elevations on the deeper ends of these lots, there would be a much smaller open space.

Mr. Bordeaux agreed with that statement.

Mr. Stebe questioned what the closest location is for a sewer line along that stretch of road. He did not believe it reaches South Main Street; he did not think it went further into Line Street.

Mr. Bordeaux responded that if he is not mistaken, there is no sewer connection on Master's Way; there is no connection at the top of Gardner Street; but there is further down at the bottom closer to the intersection of Fern Street, because that was just improved. He noted that Ms. White informed the Commission that the condominiums are served by public sewers. Therefore, probably in the vicinity of the intersection of Gardner and Fern Streets or on South Main Street in the vicinity of the condominiums in the vicinity of the golf course.

Mr. Stebe reiterated there would be a couple miles of roadway that those would need to be placed, as Fern Street is the opposite corner.

Mr. Bordeaux stated that from Fern Street would be the long way. The extension down South Main Street would be shorter. However, there are grades that would be difficult to deal with, he noted.

Mr. Stebe remarked that if the proposal was a standard subdivision, open space would be lost. However, there would still be the requirement for the subdivision to have the pathway regardless. There would conceivably be the same sizes of homes, but on larger parcels. Mr. Stebe stated he rides Line Street two to three times a month at a minimum. The reason why mountain bikes are seen in the area is because there is a Town parking lot to access the trails. He reported that every single time he rides the road he sees at least two more road bikes in either direction. In his opinion, Line Street and Gardner Street would definitely benefit from improvement and having a dedicated space for a bike. He stated that while he would rather see less houses on that strip, the open space is a larger variable.

Mr. Prause questioned Mr. Bordeaux, as the current Environmental Planner, whether there are any issues that impact the wetlands with the proposed septic fields.

Mr. Bordeaux stated that, after review by the Department of Health, in consideration of the soil types and the distance to the pond, it seems the soil and distances would be sufficient to neutralize the waste in the septic systems.

Mr. Prause asked Mr. Bordeaux if he has any concern about construction vehicles. He acknowledged there is an erosion and sedimentation control plan that shows silt fencing and the stockpile areas. Mr. Prause questioned whether there are any concerns about trucks on the road.

Mr. Bordeaux reported he could not speak to that. He did acknowledge that it is a narrow road but did not know the current state of the subgrade, the depth of asphalt or bituminous concrete.

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

**MOTION:** Mr. Stoppelman moved for a five-minute break. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the public hearing at 9:02 P.M.

I certify these minutes were adopted on the following date:

October 1, 2018

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eric Prause, Chairman

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