

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JANUARY 17, 2018**

**ROLL CALL:**

Members Present: Eric Prause, Chairman (Recused for 2017-107)  
Andy Kidd, Vice Chairman  
Michael Stebe, Secretary (Recused for 2017-107)  
Timothy Bergin

Alternate Member Sitting: Teresa Ike

Alternate Members Sitting  
for 2017-107 only: Julian Stoppelman  
Patrick Kennedy

Absent: Jessica Scorso

Also Present: Renata Bertotti, Senior Planner  
Matthew Bordeaux, Environmental  
Planner/Wetlands Agent  
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 9:32 P.M. The Secretary read the legal notice when the call was made.

**NEW BUSINESS:**

TRUSTEES OF NORTH METHODIST CHURCH – For re-subdivision and associated improvement of two existing parcels at 40 and 41 Farmington Street into five lots, including a rear lot at 41 Farmington Street under Art. III, Sec. 6, and associated site work at 300 Parker Street - Inland Wetlands Permit – Determination of Significance (2017-098); Inland Wetlands Permit (2017-098); Special Exception (2017-111); Re-subdivision (2017-099); Erosion and Sedimentation Control Plan (2017-100)

Mr. Kidd suggested the Commission re-order portions of the application, as it may make sense to do the special exception for the rear lot and then the re-subdivision first and then get into the other applications.

Ms. Bertotti informed Mr. Kidd that the wetlands application must be acted upon first.

Mr. Prause commented that, if the wetlands application was found to require a public hearing, that public hearing would have to be dispatched before the Commission could vote on new business. He asked the Commission if it had enough information, or if the application should be tabled.

Mr. Bergin reported general comments about the determination of significance. He stated that he relies heavily on Mr. Bordeaux. The engineering report from Fuss & O'Neill is important, he said, and he admitted he did not have enough personal expertise to weigh in on specific points. However, Mr. Bergin stated, there are seven criteria to look at, specifically whether or not there should be a public hearing on the activity within the wetlands or an upland review area. He observed that information presented has shown there are no deleterious effects to the wetlands, that the project does not necessarily harm the overall functions of the wetlands, and that they may even be better as a result of the work. He expressed that some of the criteria speak to substantial changes in the natural channel, the dynamics of the waterway or activity involving depositing or removal material. Those do not necessarily have a negative connotation to them, he observed, but he questioned whether or not that work satisfies those points. Mr. Bergin said he had questions about whether or not this project should move along without a public hearing specific to the inland wetlands permit.

Mr. Kidd noted that the Inland Wetlands Agency has reviewed many applications and has approved activities that were similar in nature to the current proposal. He explained that the Commission considers the seven criteria religiously and has sent items to public hearing when it made sense or if there were any questions at all. The proposal would establish another area near the wetlands to feed into the wetlands and he wondered if that would change the dynamics, he noted. Mr. Kidd referred to Item B under the definition of "significant impact" in the Inland Wetlands and Watercourses Regulations, stating "inhibit the natural dynamics of a watercourse system." He said he was unsure if the proposal inhibits the dynamics of the system; it might be changing them somewhat. On reviewing the statement, "Any activity involving the deposition or removal of materials which will or may have a substantial effect on the wetlands or watercourse..." it is not clear in this case, he stated. Mr. Kidd reported that he could not find anything substantial that says there should be a public hearing. The Commission does rely on Mr. Bordeaux to oversee this, he explained, and Mr. Bordeaux did not see a detrimental effect at all. Mr. Kidd stated that the only reason he would want to go to public hearing is because the proposal is a little different from similar projects, as it would establish a holding area for the runoff and have that feed into an existing wetland area. There is still a lot of vegetation in the lower area, Mr. Kidd noted, though certainly some of it would be eliminated for homes. He noted that things are allowed in the upland review area under close scrutiny through the Commission and Town Staff along with the developer.

Mr. Bergin acknowledged that there was not much presented indicating a detrimental effect on the wetlands. In reading the first two points, he questioned whether it is substantial impact or detrimental impact. He inquired of Mr. Bordeaux whether the proposed drainage systems will have a substantial impact within the inland wetland area and a substantial effect on the wetlands themselves.

Mr. Bordeaux responded that, in his opinion, there will not be a substantial impact. The proposed management of storm water will not be dissimilar to what exists currently. Regarding the impact on the delineated wetland in question, he reported, the area naturally drains to the low point and in extreme events will shed north and south in this valley. The measures provided, both in terms of erosion and sedimentation control and the long-term management in the form of the series of catch basins, the proposed extended wetland, and the overflow drainage, will not severely alter the existing dynamics of the wetland, in his opinion. Mr. Bordeaux explained that

the wetland, in this case, may be a part of the area habitat for mammals and birds, as well as amphibians, though they are not dependent on this wetland. Rather, it is part of the wooded area overall, he explained, and while there will be some clearing in the regulated upland review area, the activities will not have a substantial impact. The State and Town have standards for erosion and sedimentation control and the management of storm water, to provide a degree of quality management, he said. Coarse material is going to be removed by the hydrodynamic separator, the sumps, and the catch basins, etc., he stated. Nutrients, he explained, rather than flowing directly into the woodland area and then into the wetlands area, will have a stay in the extended wetland area. Mr. Bordeaux reiterated that Staff prefers the extended wetland area to just a vegetated detention basin because tapping into the ground water provides for the possibility of wetland plant species to thrive. The wetland is not characteristic of a marsh, a swamp, a pond, a stream, or anything that is specifically defined, and is in large part the retention area, a limited stay of storm water, he said. While it does provide habitat, Mr. Bordeaux reported, it will not be the type to support aquatic wildlife and, in his opinion, the proposal will not have a substantial impact.

#### Inland Wetlands Permit – Determination of Significance (2017-098)

**MOTION:** Mr. Kidd moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2017-098 will not have a significant impact on the wetlands and therefore will not require a public hearing. Ms. Ike seconded the motion and all members voted in favor.

Ms. Bertotti informed the Commission that the draft motions are written in the order the decisions should be made. The wetlands permits are first, followed by the special exception and finally the re-subdivision, she explained.

Mr. Kidd noted that, if a motion was made on the inland wetlands permit, it would be assuming that the following applications would be approved. He asked whether the inland wetlands permit would be null and void or would need to be modified if the following applications were not approved.

Ms. Bertotti reported that the wetlands permit would not have to be null and void if the other applications were not approved. The activity outlined on these plans that is subject to the inland wetlands permit would have been permitted if the Commission were to approve the wetlands permit, she said. If, for example, the rear lot is denied and the property lines have to be changed, but the physical work involved in the wetlands permit does not change because of that, she explained, there would be no need to change the wetlands permit.

Mr. Kidd noted that the draft motion specifically states that the parcel will be subdivided into five lots.

Ms. Ike stated that she had the same concern.

Ms. Bertotti replied it would be better to strike out the wording referring to five lots, and to just include the addresses and activity shown on the plans that are referenced in this application. The meeting discussion had been regarding wetlands permit and the physical activity, she explained.

Mr. Prause concurred that “five lots” should be stricken.

### Inland Wetlands Permit (2017-098)

**MOTION:** Mr. Kidd moved to approve the inland wetlands permit for activity related to the re-subdivision and associated improvement of two existing parcels at 40 and 41 Farmington Street and associated site work at 300 Parker Street. Mr. Bergin seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the natural or indigenous character of the wetlands 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.

### Special Exception (2017-011)

Mr. Prause stated that there is a great deal of information to process in one meeting. He expressed that he would not be opposed to tabling the remainder of the application to have more time for review.

Mr. Bergin spoke exclusively to the special exception application, stating that he was somewhat sympathetic to the neighboring property owners regarding the rear lot. The neighborhood is a contained ecosystem off of Middle Turnpike with one road in and one road out, he reported. Conversely, in his opinion, rear lots are unique to the development proposal. He pointed out one further down Parker Street and another on Walker Street. Mr. Bergin expressed that the comments were well-articulated regarding screening and the effect of a driveway through a resident's back yard. Regarding tabling the items, he agreed that he needed more time for review.

Mr. Kidd stated that, in his opinion, he did not need additional time for review, unless the Commission needed more information from Staff. He agreed with Mr. Bergin that the rear lot situation is an exception and there are a number of them in town, noting that there will not be a consistent pattern throughout. He further stated that he is sympathetic to the residents, though the Commission must be consistent with prior approvals. Mr. Kidd explained that, assuming there would be proper screening, the rear lot is not abutting greatly; the school is on one side and an apartment complex on the other. It should be assumed, when buying property with an adjacent lot, that it may eventually be built upon, he noted. He saw no reason to deny the rear lot, he said, as he had read through the special exception criteria a number of times and saw no reason to deny, noting that it is permitted as-of-right with the Commission's approval.

Mr. Prause sought an overview of the property, depicting the adjacent lots.

Ms. Ike reported that, in the criteria, it is stated that the Commission should receive floor plans, building elevations, materials and colors, and she noted that the applicant stated the plans may change. She questioned whether any approval should have a condition.

Ms. Bertotti reported that the floor plans and elevations are in the Planning Department's file. She explained that they are sample building elevation plans and sample floor plans for the rear lot only.

Ms. Ike said she assumed the plans are not finalized and could still be changed by the architect.

Ms. Bertotti stated she was unsure why Mr. Bordeaux made a notation that the regulation requires finalized plans. The rear lot regulation requires, under special exception, the concept, floor plans, and building elevation plans, she explained. In this circumstance, Ms. Bertotti said, that would be required because the Commission is reviewing this proposed lot and house for consistency with the neighborhood. She said that is one of the criteria of the special exception. Changes could be made, though if an applicant had an elevation showing a single-family cape and came to the Building Department with a two-story colonial twice as big, that would not be appropriate. She noted that small changes would be acceptable in the floor plan, though large changes that would affect the neighborhood would not be approvable.

Mr. Stebe asked if there was a copy that the Commission could review for the preliminary, because it is part of the special exception criteria that must be reviewed.

Mr. Prause inquired about the lot depths on Radding Street, as they appear to be the deepest one in the subdivision.

Mr. Bordeaux reported that No. 25 appears to be at about 190 linear feet from Radding Street back. He believed it would be comparable at No. 18.

Mr. Prause asked about the proposed depth of Lot No. 5, the rear lot.

Ms. Bertotti reported the depth of Lot No. 5 to be approximately 240 ft.

Mr. Stebe asked for clarification that the lot depth of the rear lot is from the rear plane of the front house.

Ms. Bertotti informed Mr. Stebe that the depth stated was from the street.

Mr. Stebe noted that the rear lot regulations state that the front of the rear lot is the rear line of the front lot. He questioned how deep the lot will be from front to back.

Ms. Bertotti responded it will be 132 ft.

Mr. Prause noted that one issue was buffering on Lot 5, and said he wondered if the Commission should place that as a condition.

Mr. Stebe stated he would definitely want to have something along those lines as a condition.

Mr. Prause commented on a discussion about a conservation easement, though he felt members of the Commission agreed with the wetlands being a driver for work in that area.

Mr. Kidd stated that, under the special exception application 2017-111, for the rear lot, he agreed with a condition for screening. In addition, he explained, the conservation easement or the discussion is associated with that re-subdivision for the entire parcel, if that were deemed necessary.

Mr. Prause noted that another concern was having a rear lot in the area, considering those properties are not in the subdivision now.

Mr. Bergin reiterated that there is not a rear lot in the subdivision, but further down Parker Street on the other side of Middle Turnpike and then Walker Street, which runs parallel to Parker Street.

Mr. Prause contemplated whether Princeton Street had some rear lots, and Mr. Bergin disagreed. He questioned if there were more comments about the special exception.

Mr. Kidd questioned what the Commission will seek for buffering, such as the length of “adequate buffering.”

Ms. Bertotti recommended that the Commission request a plan modification that will be reviewed by the Commission, rather than the Town Staff determining whether the revised plans provide sufficient buffering. If the Commission is considering buffering to be a modification of the approval, she suggested the Commission table a decision tonight and request that the applicant modify the plans for the one issue or other things as well, in addition to providing clarification of where the buffering will begin and end.

Mr. Kidd agreed, though he stated that it should be approved with a mechanism to reconcile that later.

Mr. Prause stated that would act as a condition that would require plan revision for buffering, to which Ms. Bertotti agreed. He said he assumed it would not make sense as a modification to avoid spelling out the modification and, in his opinion, a condition would be fine.

Ms. Bertotti stated that, if the Commission’s opinion is dependent upon whether or not the members are satisfied with the buffering requirement, perhaps the application should be tabled and the Commission should have the applicant revise the plan, after which, if the Commission is satisfied, they could approve the application at that time. She noted that the Commission could approve the application presently with the condition that the applicant return with revised plans.

Mr. Kidd expressed that, given that the Chair sought extra time on the application, in addition to the open item, he suggested the Commission table and obtain a firm commitment from the applicant on what their proposal would be.

Mr. Prause clarified that Mr. Kidd sought to table the special exception.

Mr. Kidd assumed that would table the rest of the items, to which Mr. Prause stated it would.

Ms. Bertotti reported that a special exception is a two-step approval: a preliminary plan or use approval, and then a detailed plan, which would be the re-subdivision itself. If the use approval is tabled, it would not be prudent to approve a second step, the site plan of the same application, she explained. Ms. Bertotti explained that the re-subdivision is also a detailed plan of development for the application for the special exception.

Mr. Stebe sought clarification that, if the Commission were to manage the other part of the subdivision, the rear lot would be completely off the table.

Ms. Bertotti agreed.

Mr. Stebe noted that, if the special exception is tabled, the subdivision by right must be tabled at the same time. He reported that the Commission could discuss the erosion and sedimentation control plan, though he felt that if the special exception is tabled, that should be tabled as well.

Mr. Prause explained that, if both items were to be dispatched at the meeting, the Commission could approve the special exception with the condition that the applicant must return for review, specifically for the buffering, and then continue with the decision about the subdivision.

Ms. Ike suggested that, before the Commission requests further information about screening and buffering, there should be a decision on whether there would be other topics that need to be reviewed.

Mr. Bergin stated that he would be more comfortable approving the application without the rear lot in the plan; i.e., if the applicant proposed three houses.

#### Special Exception (2017-011)

**MOTION:** Mr. Kidd moved to table the application, requesting revised plans showing buffering along the west side of Lot 5, next to 29 Farmington Street. Mr. Stebe seconded the motion and all members voted in favor.

#### Re-Subdivision (2017-099)

**MOTION:** Mr. Stebe moved to table the application. Ms. Ike seconded the motion and all members voted in favor.

#### Erosion and Sedimentation Control Plan (2017-100)

**MOTION:** Mr. Kidd moved to table the application. Mr. Bergin seconded the motion and all members voted in favor.

**MOTION:** Mr. Stebe moved to recess for five minutes. Ms. Ike seconded the motion. All members voted in favor.

#### CHURCH OF PENTECOST, INC. – To establish church activities in the existing basement for use by the congregation after church hours at 748 Tolland Turnpike. -Special Exception Modification (2017-102)

Mr. Andrew Inga, Engineer, introduced himself. Mr. Inga reported that the church is seeking extra space to use for activities after church hours. He stated that this would be for members of the congregation and noted that there would be enough parking spaces for the congregation, as approved. Mr. Inga noted that he had included a site plan with the application, but stated that he should not have, as there is nothing being done to the outside of the building.

Mr. Prause recollected the approval for the church as it had been a banquet hall. He questioned what the current use is for the basement.

Mr. Inga responded that the basement is just empty space and storage.

Mr. Prause referred to the drawing, Sheet #1, banquet hall, and questioned whether the banquet hall extended to the basement.

Mr. Inga reported that the proposal is for an area for classes, weddings, graduation parties, etc.

Mr. Prause questioned whether the banquet hall, baptism room, office and utility room are all in the basement.

Mr. Inga responded affirmatively.

Mr. Prause inquired about the activities proposed in the basement.

Mr. Inga stated that if, for example, a member of the congregation is to be married, the reception could be held in the basement. Also, a graduation party could be held, he explained.

Mr. Prause remarked that the application states that there will be no cooking or serving of food except for pre-packaged food, to which Mr. Inga agreed. Mr. Prause further asked if the basement was unfinished, with which Mr. Inga agreed. Mr. Prause asked if there are walls, or just a large area.

Mr. Inga reported that there is a wall, which is depicted on the drawings submitted. The applicant is proposing partitions to hide the utility room, he said.

Mr. Bergin asked if the proposal would place additional stress on the existing utilities.

Mr. Inga reported there will be no additional stress on the utilities.

Mr. Prause noted that this would be a basement use, without noise nuisances, and a suitable distance from the condominiums.

Mr. Kidd noted that there was a comment in the Staff memo about a septic system, though there is an available hookup to the sewer system. He questioned whether there was a requirement for the applicant to hook up.

Mr. Bordeaux reported that that was just a statement. The requirement is that there is access to the sanitary sewer, if and when there is a failure.

Mr. Kidd requested clarification that the septic system would have to be replaced by sanitary sewer.

Mr. Bordeaux reiterated that the information was just regarding access in the event of a failure.

Mr. Kidd inquired whether there is a requirement that a septic system cannot be repaired and must be hooked up to the sanitary sewer.

Ms. Bertotti responded that in this particular case, the statement clearly says they will be required to hook up. It is a Staff comment from the Health Department, she explained.

#### Special Exception Modification (2017-102)

**MOTION:** Mr. Kidd moved to approve the modification of the special exception approved under Art. II, Sec. 2.02.02 to establish church activities in the existing basement for use by the congregation after church hours, with the modifications as specified in Staff memoranda from:

1. Michelle Handfield, Assistant Town Engineer, dated January 5, 2018;
2. Raymond Myette, Jr., Design Engineer, dated January 5, 2018 to Renata Bertotti, Senior Planner

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

The reason for the approval is that the proposal meets the special exception criteria.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – For revisions to Art. I, Sec. 2 (Definitions), Art. II, Sec. 1 (General Requirements for Residential Zones), Art. II, Sec. 9 (General Requirements for Business Zones), Art. II, Sec. 16 (Industrial Zone), and Art. II, Sec. 18 (Historic Zone), relating to Solar Energy Systems; and to add a new section, Art. IV, Sec. 6: Solar Energy Systems. - Zoning Regulation Amendment (2017-107)

Mr. Prause and Mr. Stebe recused themselves from this application. Mr. Kidd, Mr. Bergin, Mr. Kennedy, Mr. Stoppelman, and Ms. Ike were seated on this application.

Mr. Kidd observed that the Commission is in basic agreement except for one item. He referred to Art. IV, Sec. 6.03.02, “free-standing systems shall not exceed a maximum height of 18 ft. when measured from ground level to the highest point of the structure.” In his opinion, he said, the consensus was to change 18 ft. to 12 ft. and add the wording “special exception may be requested for over 12 ft.”

Ms. Bertotti responded that, if the condition is to approve a maximum height for ground-mounted structures in residential zones up to 12 ft., and everything exceeding 12 ft. would require a special exception, Staff will make modifications in the text amendment and proceed.

Mr. Kennedy inquired whether the special exception would only be for systems up to potentially 18 ft.

Mr. Bergin responded it would be just for systems over 12 ft; anything over 12 ft. was the consensus.

Mr. Bordeaux reiterated the example of the property on Porter Street. He reported that the Zoning Enforcement Officer required a variance for the 21 ft. height.

Mr. Kennedy stated that, if there were no upper limit at all and an application were turned down, it would not be purely discretionary criteria. Applicants could go to court stating that the special exception rules were misapplied. In his opinion, if an applicant has an argument for a necessity of going to 26 or 28 ft., and if there is a need for such structures, the regulations could be amended. Mr. Kennedy stated that it may not be a bad idea to cap the height; i.e., for a system over 18 ft. an applicant would not be able to take the Town to court. An applicant could ask for a change in the regulation if there is a market for such. He suggested 12 ft. should be as of right and 12-18 ft. would be a special exception.

Mr. Kidd inquired whether the language is aligned with the accessory structure regulation, or if that was used as a guide.

Mr. Bordeaux replied that was for consistency's sake. That is a number that is ingrained in the Zoning Enforcement Officer's head, he explained. To follow Mr. Kennedy's point, the revision would be specific to ground-mounted systems in residential zones, he noted, and 18 ft. is the maximum height in all other zones. Therefore, if the height is limited to 18 ft. in residential zones, that would be consistent with other zones, Mr. Bordeaux reported.

**MOTION:** Mr. Kennedy moved to approve the zoning regulation amendment (2017-107) for revisions to Art. I, Sec. 2 (Definitions), Art. II, Sec. 1 (General Requirements for Residential Zones), Art. II, Sec. 9 (General Requirements for Business Zones), Art. II, Sec. 16 (Industrial Zone), and Art. II, Sec. 18 (Historic Zone), relating to Solar Energy Systems; and to add a new section, Art. IV, Sec. 6: Solar Energy Systems, with the modification that Art. IV, Sec. 6.02.02 be revised to say: "Freestanding systems shall not exceed a maximum height of 12 ft. when measured from ground level to the highest point of the structure. The Commission may approve a Special Exception Permit for a system over 12 ft., but not to exceed 18 ft., in accordance with Art. IV, Sec. 20."

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

The reason for the approval is that the proposed amendment is consistent with the POCD's initiative to promote sustainability by adopting standards for green energy.

The zoning regulation amendment will be effective on February 2, 2018.

#### **ADMINISTRATIVE REPORTS:**

Ms. Bertotti stated that she had e-mailed the Commission a copy of the letter regarding temporary health care structures. She reminded the Commission that there was a workshop held recently and the members expressed some interest in submitting a letter to the State Legislature in the hopes that they would review the law and perhaps amend it. She sought to ensure that all the items discussed were in the draft, noting that she would sign the letter on behalf of the Commission. Ms. Bertotti requested that all members review the e-mail and comment to her.

#### **RECEIPT OF NEW APPLICATIONS:**

**MICHAEL & SALLY FLYNN – Special Exception Modification (2018-001) – Special Exception Modification under Art. II Sec. 11.02.01 for modifications to the previously approved plans to have no 10 ft. rear wall and to have the building sitting flat on the foundation at 230 West Middle Turnpike.**

The Commission has been asked to accept one new application for Mr. and Mrs. Flynn, Ms. Bertotti relayed. Regarding the construction of the recently approved two-bay garage, the grading in the area has been executed differently than the approved plan, she reported. The matter exceeds the level of approval by the Chairman and Director of Planning, and thus will revert to the full Commission. The applicant was requested to submit a revised set of plans, she reported.

Ms. Bertotti stated that, for the first meeting in February, there will be a special exception, a preliminary plan for the creation of a rear lot on Vernon Street.

**MOTION:** Mr. Bergin moved to close the business meeting. Mr. Kennedy seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 11:00 P.M.

I certify these minutes were adopted on the following date:

February 21, 2018  
Date

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

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