

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
FEBRUARY 21, 2018**

ROLL CALL:

Members Present: Eric Prause, Chairman
Andy Kidd, Vice Chairman
Jessica Scorso

Alternate Members Sitting: Teresa Ike
Julian Stoppelman

Absent: Michael Stebe
Timothy Bergin
Patrick Kennedy

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 Business Meeting at 7:00 P.M.

NEW BUSINESS:

VELVET MILL L.P – For replacement of existing rotted wood windows and trim, in kind, with wood windows, matching trim and paint colors on the south pedestrian bridge over Pine Street at 185 and 190 Pine Street. – Historic Zone Site Development Plan Modification (2018-010)

Mr. Tom Briggs, Director of Construction and Vice-President for the Simon Konover Company, owner of the Velvet Mill and the Dye House, introduced himself. Mr. Briggs reported that the windows on the bridge connecting the two buildings are severely deteriorated, rotted, and close to falling on Pine Street. He explained that they have worked diligently to meet the HUD Historic requirements and have received a positive response from the Cheney Commission for the plan to restore everything in kind. A professional historic window restorer will restore the current windows, he noted.

Mr. Stoppelman asked how long it will take to complete the work.

Mr. Briggs estimated that the work will take two months. He explained that the bridge is over Pine Street, which will require traffic control, a lift, and the closure of one lane.

Mr. Prause inquired about the window material.

Mr. Briggs responded that the restorer will remove the windows and examine them, and in his opinion, they will most likely be yellow pine.

Mr. Prause said he assumed the windows are original to the building.

Mr. Briggs stated that the windows may be original to the building. The plan was to replace the windows, but the window restorer felt that there is enough left to work with, he explained. The interior of the bridge is not heated, he reported, eliminating the issue of efficiency or replacing glazing.

Ms. Bertotti noted that the proposal is straightforward. The only reason the application came before the Commission is the requirement that any restoration visible from the outside in the Historic Zone must go before the Planning and Zoning Commission, she explained. The proposal was also referred to the Cheney Historic Commission, Ms. Bertotti reported, and the applicant received a favorable response. She noted that there was a comment from the Health Department notifying the applicant about the lead paint requirements.

Mr. Prause inquired about the Cheney green and whether there has been a definition of that color.

Mr. Anderson was unsure if the color has ever been defined.

Mr. Prause acknowledged that he has never seen it defined, though he has heard it referenced.

Mr. Briggs reported that the intent is to get a sample and match the paint to what is on the windows currently.

Historic Zone Site Development Plan Modification (2018-010)

MOTION: Mr. Stoppelman moved to approve the Historic Zone Site Development Plan Modification for replacement of existing rotted wood windows and trim, in kind, with wood windows, matching trim and paint colors on the south pedestrian bridge over Pine Street. Ms. Ike seconded the motion and all members voted in favor.

The reason for the approval is that the proposal meets the Historic Zone Site Development standards.

NORTH UNITED METHODIST CHURCH – Pre-application review to discuss possible re-subdivision and erosion and sedimentation control plan applications for 40 and 41 Farmington Street.

Mr. Prause reported that anything the Commission states is non-binding and any plans presented can be modified before formal application.

Ms. Haley Busch, Licensed Professional Engineer in the State of Connecticut with Fuss & O'Neill, introduced herself. Ms. Busch noted that the purpose of the presentation is to provide a summary update of changes to the plan for the Commission's comments.

Ms. Busch reported that the updated plan continues to provide five single-family home lots, with the improved cul-de-sac street that meets the Town of Manchester standards. The revision made to the plan, she explained, includes the removal of the proposed rear lot, which required the special exception. In order to accomplish that, property lines were relocated and frontage provided on the cul-de-sac for all five lots, meeting the regulations, she noted. Ms. Busch detailed the removal of the driveway between the existing house at 41 Farmington Street and the existing neighborhood. The houses on Lot 5 and Lot 3 were relocated and shifted westerly; Lot 3 by approximately 14 feet, away from the upland review area and the wetlands area, she reported. The limit of disturbance remains unchanged from the previous submission, she explained, and is unchanged from the previous wetlands application approval which was received. Between the existing 41 Farmington Street and the adjacent neighborhood, they maintained a privacy fence and they also provided a privacy fence between the existing house at 41 Farmington and Lot 5, according to Ms. Busch. In this proposal, Lots 3 and 5 share a common driveway off the cul-de-sac, located in the frontage of Lot 5. The common driveway will be 20 feet wide for convenience, she reported.

During the original application process, she reminded the Commission, there was a discussion regarding the wildlife corridor, and the current plan dedicates an area that will not be disturbed as part of the project. Ms. Busch projected the plan and explained the wildlife corridor area, which, when complete, would be approximately 120 feet wide. The project includes the extended wetlands area, which provides treatment of the roadway storm water runoff that is currently untreated, she reported; storm water will go through an extended wetlands area prior to discharging to the existing wetlands. Another topic that was discussed was maintaining the characteristics of the neighborhood, Ms. Busch noted. The lot frontages provided are consistent with the regulations and are comparable to the neighborhood, which has typically between 75 and 125 feet, she said. She stated the lot sizes, on average, are 14,000 - 15,000 sq. ft.; the proposed lots range from 13,000 sq. ft. up to 18,700 sq. ft. and there is one lot with 79,000 sq. ft. The homes are intended to have 1,300 sq. ft. of living space on the first floor, she described, which would also allow up to 2,600 overall sq. ft. of living space, which is consistent with the neighborhood. The footprints of the homes in the proposal continue to have a two-bay garage in excess of the footprint, according to Ms. Busch. The homes are anticipated to be occupied by young families. She explained that the proposal is the revised preliminary plan, which meets the criteria set forth in the regulations related to the applications for re-subdivision and erosion and sediment control, and the applicants respectfully request the Commission's preliminary comments.

Mr. Prause asked whether there were specific questions the applicant wished to have answered.

Ms. Busch sought the Commission's opinion about the revised layout for the property lines, as well as the common driveway.

Mr. Kidd requested clarification about the privacy fence location.

Ms. Busch pointed to the displayed plan and explained the proposed locations of 6 ft. high stockade fencing.

Mr. Stoppelman inquired about which lot is the largest.

Ms. Busch displayed Lot 3 and explained its location.

Mr. Stoppelman asked about concerns about the height of the dead-end and the slope leading to the secondary wetlands area.

Ms. Busch reminded the Commission that, in a prior meeting, she explained that the slope of the cul-de-sac is less than the existing conditions. The current proposal lessens the steepness of the cul-de-sac and, in accordance with the Town of Manchester standards, there will be a bench between the curb line and the guiderail, and then from there it slopes down.

Ms. Bertotti explained that the applicant's application was denied at the last meeting, and when seeking a remedy procedure to that, one of their objectives was to get a sense from the Commission whether or not this revised layout would be acceptable for the re-subdivision proposal or whether this is still, in the Commission's opinion, too much. They also asked whether they should revise this plan to somehow minimize the impact, she said. The applicant is here to assess whether they will reapply and, if they do so, with what kind of application, she stated.

Mr. Kidd stated that one of the main concerns was the wildlife corridor, which has been addressed in the current proposal. In certain cases, the Commission has granted conservation easements, which require extra maintenance, he noted. He asked for Staff's perspective on whether a conservation easement would be helpful to maintain the border and the current condition.

Ms. Bertotti stated that, if the area were marked, it probably would be helpful. When areas of no encroachment are labeled, people generally tend to keep out. When they are not marked, in her opinion, the property owners do not necessarily know where the boundaries are. In instances where the conservation easements are not marked, they tend to be encroached upon, she explained.

Mr. Kidd noted that, if it would not be contradictory to policy or to how they have been applied in the past, a conservation easement may be something to take a look at.

Mr. Bordeaux echoed Ms. Bertotti's opinion. When the conservation easements are marked, there is a clear delineation, he reported; without it, property owners will inevitably encroach. There is a possibility that this could become an isolated conservation easement because there is private property on either side, he said. He stated that there is no way to ensure there is a contiguous corridor going forward.

Mr. Kidd questioned whether it would make sense to put a conservation easement on this property if it may not extend past and to the greater good. He said that, in another development that the Commission put an easement on, it was adjacent to a larger property. He maintained his opinion that adding a conservation easement to maintain the integrity of the neighborhood should be pursued.

Regarding the frontage of the homes, three of them are consistent, though the frontage is not relevant if the house is not near the frontage, Mr. Kidd said. He acknowledged that, at the prior meeting with the applicant, he voted in favor of the application and, in his opinion, the new plan

is better, and he does not see a major problem with it above and beyond the buffering to the adjacent homes. He thought perhaps it should extend all the way down the property line.

Mr. Prause reminded the Commission about a concern at the Public Hearing about the rear lot. This proposal appears to be an improvement, he said. The buffering is planned to be a 6 ft. stockade fence, with no plantings, he said.

Ms. Busch stated that no plantings are proposed at this time.

Mr. Prause questioned whether Ms. Busch wanted to present the utility plan map. He pointed to trees that are proposed to be added as street trees and sought clarification about what tree removal will occur and which street trees would be planted.

Ms. Busch explained that the street trees are part of the Town of Manchester standards for the cul-de-sac. Those are proposed along with the cul-de-sac improvements, she stated, and then pointed to the trees that would be cleared.

Mr. Prause noted that the only plant referred to is the London planetree and questioned whether those will be the street plantings.

Ms. Busch explained that it would be confirmed with the Town prior to installation. To her knowledge, there is a list of trees to select from, she said.

Mr. Prause acknowledged that it is difficult to anticipate questions or testimony that would come forward in a public hearing. The Commission endeavors to anticipate questions, he said, and in public hearings additional topics are brought up that have not yet been considered.

Ms. Busch reiterated that the applicants are seeking the Commission's opinion on whether the new layout is more favorable.

Mr. Prause noted that the omission of the rear lot is better.

Ms. Carol Williamson, Chair of the Board of Trustees at North Methodist Church, introduced herself. She noted that Mr. Prause voted against the last proposal, and asked why.

Mr. Prause stated that he voted against the last proposal because of the rear lot application.

Ms. Williamson stated that she is hopeful that the Commission will find this proposal satisfactory.

TOWN OF MANCHESTER – Request a jurisdictional ruling that the proposed brush cutting and removal of invasive vines and some trees at Union Pond Park at 100 North School Street be considered a non-regulated operation in accordance with Section 3.2(b) of the Inland Wetlands and Watercourses Regulations. – Request for Jurisdictional Ruling (2018-011)

Mr. Matthew Bordeaux, Environmental Planner/Wetlands Agent, summarized the proposal on behalf of the Parks Department. He stated that he met with Mr. Rob Topliff, the Parks and Recreation Facilities Manager, in anticipation of new exercise equipment being donated to the Town to be installed around the perimeter of the walking path at Union Pond Park. While Mr. Topliff was examining the area, he identified the need for extensive maintenance of vegetation

that has been neglected, Mr. Bordeaux said. There is large brush and trees, many of which are invasive, wrapped and being choked out by vines, he explained, most notably oriental bittersweet. Mr. Bordeaux referred to the photos in the Commission members' possession portraying the invasive vines, which engulf the entire canopy of the trees along the water frontage.

Mr. Bordeaux explained that he and Mr. Topliff discussed options for dealing with the vines. To beautify the park generally and eliminate invasive species, he reported, the Parks Department will flush-cut the most unsightly plants and install replacement plantings. Mr. Bordeaux noted that they will be planting, most notably, weeping willows. He referred to a section of the park at the Hockanum River Linear Trail, which will be thinned to enable the trail to be more hikeable. There are several vistas and points that are ideal for fishing access in that area, he stated. Ordinarily, he said, the Parks Department would not have raised this issue, but as the area is at the water frontage, they consulted with Mr. Bordeaux and he is seeking the Commission's agreement. Mr. Bordeaux explained that Mr. Topliff is requesting this be considered a non-regulated activity in accordance with Sec. 3.2(b) of the Inland Wetlands and Watercourses Regulations, which refers to operations related to outdoor recreation, including play or sporting areas, field trails, nature study, etc., in an effort to move forward with the project.

Ms. Scorso questioned whether there was a discussion of removing the trees and the vine together and replanting.

Mr. Bordeaux responded that will be the approach. He stated that they advise to leave the root ball intact, because if it is removed, erosion can accelerate, causing holes in the embankment.

Ms. Scorso questioned what type of machinery will be utilized around the water.

Mr. Bordeaux referred to the photo, noting black locust trees, which are an invasive species. He reported that he did not include several maple trees in the area, which are native, most likely tall and mature enough that they could potentially recover if the vines are clipped. Rather than planting on the embankment, he noted, the new plantings will be higher on the embankment. Mr. Bordeaux explained that the work will be done by hand. The trees will be dropped, dragged and chopped on site, he explained, and the bulky material will be hauled away. The Parks Department would have access to enter the park as well as access to the Hockanum River Linear Trail, which is wide enough to allow a truck.

Ms. Scorso said she assumed the bittersweet would be cut back to its source, and would not be anticipated to return.

Mr. Bordeaux responded that bittersweet should be cut at grade and then poisoned because, if it is cut back to grade, new roots will emerge.

Ms. Scorso questioned whether there would be concerns for the water.

Mr. Bordeaux explained that, if applied properly to the plant, the poison should stay with the plant. He agreed that it is not perfect, but the reality is, if the bittersweet is not addressed, it will get worse.

Mr. Prause said he assumed that the activity, which appears to be non-regulated, is the actual removal of the trees.

Mr. Bordeaux responded it is the removal of the plants.

Mr. Prause stated that the activities in Sec. 3.2(b) are the outdoor recreation activities, but the activity in the discussion is not really an outdoor activity. He questioned whether the implication is that it is an activity that supports outdoor recreation.

Mr. Bordeaux explained that the procedure in the past has been that, when the Commission has established a recreational activity as being non-regulated, the maintenance and ongoing operation of that activity has been established as non-regulated as well.

Mr. Prause referred to the example of agriculture, noting that agriculture uses are a non-regulated activity and activities that are in support of that would fall under a non-regulated activity, even if it is not the actual farming; i.e., to promote the farming. He questioned if that is the same rationale.

Mr. Bordeaux stated that is correct.

Mr. Kidd noted Mr. Bordeaux's comment that the area was not maintained properly, which allowed this condition to exist. In his opinion, he said, keeping ahead of the bittersweet would be cheaper in the long run rather than the proposed work. He questioned whether Mr. Bordeaux anticipates any change in policy, such as the Town trying to be more proactive and hopefully saving some vegetation.

Mr. Bordeaux stated that he does see that in the future. The maintenance would be Mr. Topliff's responsibility; his approach has been to reclaim areas that have been overgrown to make them useable spaces, to make them more inviting and beautiful, and to increase visibility. He referred to the changes at Center Springs Park and said the current plan would be another step, as well as adding additional recreational facilities in the form of the exercise equipment. Maintenance is always a challenge, he noted, particularly when the nuisance species grow the fastest. At the same time, with limited staff, athletic fields have to be mown and a number of other facilities require attention, he stated, and some of the resources are neglected. In his opinion, Mr. Topliff and his staff have evolving knowledge and understanding of the challenges of invasive species. Mr. Bordeaux reported that Mr. Topliff's staff has also been addressing Japanese knotweed. There are sections of parks and open spaces that have been overwhelmed, he said, and he explained the process recommended by the Connecticut Department of Energy & Environmental Protection, which Mr. Topliff understands and is part of the schedule now.

MOTION: Mr. Stoppelman moved to issue a determination that the proposed activity is a non-regulated use incidental to the operation of an outdoor recreation

area in accordance with Sec. 3.2(b) of the Inland Wetlands and Watercourses Regulations and, therefore, does not require a permit. Ms. Scorsio seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS

Posting of Signs for Public Hearings

Ms. Bertotti referred to the e-mail she had distributed to Commission members from the Assistant Town Attorney, John Sullivan. Some months ago at a workshop, she reminded the members, there was a discussion regarding whether the Commission was interested in creating a regulation requiring public hearing applicants to post signs on the property. In those discussions, the Commission asked Staff to check with the Town Attorney's office, requesting case law review about situations where signs are tampered with, i.e., what that would mean to an actual application and would it be denied or delayed. Attorney Sullivan submitted his e-mail stating that he did not find any direct case law related to tampering with public hearing signs. Attorney Sullivan suggested the Commission add remedial steps into the regulations. In that event, it would fall on the Commission to determine whether it will deny the application if the signs were tampered with or whether to proceed, she said. Ms. Bertotti added that Attorney Sullivan recommended a regulation stating that public hearing signs are required and the property owner will be required to check the signs every three days; if the signs are missing, the applicant would be required to repost them. The applicant would then be required to provide data to the Commission or testify before the Commission about which remedial actions were taken, she said. Ms. Bertotti said that, if those steps were followed, the Commission may proceed holding the public hearing, which would not violate the State statute or the notification requirements. She suggested that the Commission recommend whether Staff should begin drafting an amendment to the zoning regulations.

Mr. Stoppelman stated that, every time there is a public hearing, there are complaints that not everyone has been notified. He questioned whether the Board of Directors has weighed in on the issue.

Mr. Anderson acknowledged that he could not speak for the entire Board of Directors, but noted that, when he presented before the Board, the issue arose and the Board was concerned about residents having an opportunity to voice their concerns and opinions. In his opinion, many Directors would feel the proposal would be a step in the right direction, Mr. Anderson said. The Planning Department has put on hold additional notifications pending the Commission's ruling, he said.

Mr. Stoppelman remarked that the Commission has approved notifying the owners of properties within 500 ft. of a property that is subject to a hearing.

Mr. Anderson agreed, but said that has not been implemented, awaiting the Commission's opinion on posting public hearing signs. He said he did not feel that the 500 ft. and the signs together would make sense. Mr. Anderson noted that Staff did not uncover any towns that use both notifications.

Mr. Stoppelman stated his opinion that the signs would add complications and he preferred the 500 ft.

Mr. Kidd inquired whether Staff got a sense as to what the prevalent method of notification is in surrounding towns.

Ms. Bertotti reported that she had posted that question on the list serve. Most responding towns had a sign requirement, though she acknowledged that it may be due to the framing of the question. From her experience, she said, a number of towns require the posting of public hearing signs; many towns only utilize signs without abutter notifications. Ms. Bertotti stated that the Planning Department may never curtail notifying abutters because the practice has been in existence for a length of time. If anything, she noted, the signs would be added to the existing notification. She reported that she does not have a sense of the predominant method in Connecticut.

Mr. Anderson remarked that, in his opinion, there is a mix of requirements.

Mr. Kidd said he was in favor of better notification, one way or the other, though he said he was uncomfortable with having to police whether signs are up or not. He asked whether it was possible to require that the sign be posted but not require that it remain posted for the entire time leading up to the hearing, since letters would still be sent to abutters. He added that, based on what the Town Attorney said, it did not sound as if that would work.

Mr. Anderson said he believed the understanding was that the signs would be required to remain the entire time. He acknowledged Mr. Kidd's statement that the Commission can require that the sign is put up, but then after that there would be a gray area in terms of what happens.

Mr. Prause noted that Attorney Sullivan's letter stated it would be at the Commission's discretion to decide whether there had been an honest effort to keep the sign posted, rather than checking it long after posting it.

Mr. Kidd asked if the requirement would be that the sign is checked on a daily basis and, if the sign was missing, the applicant would have 24 hours to replace it. He further asked whether it would be sufficient if the applicant proves that they have been able to do that, even though the sign may not have been up for a day or two.

Mr. Anderson stated that, if the Commission felt that was adequate and if that was written in the regulations, the public hearing could move forward.

Mr. Kidd inquired whether there was a problem instituting the 500 ft. abutter notification, such as interpretation issues, establishing it and applying it.

Mr. Anderson responded that the only issue would be that, in a dense neighborhood, there would be a large number of notifications. He noted that it could be done, but it would require added Staff time and cost, which would be the only downside. Those notifications can be done outside

of the regulations, he said. Posting of public hearing signs must be included in the zoning regulations, he explained, and the Town must abide by it. The abutter notifications are essentially a practice that has been followed over time, he said, noting that the Town is covered as long as the notice is published in the newspaper.

Mr. Kidd stated his opinion that the Town is doing a fair job, though residents are upset when they are not notified. He acknowledged the preference to have residents voice their complaints during the public hearing rather than being disgruntled. Mr. Kidd said he agreed that the notifications must be improved upon, though he had no preference.

Mr. Stoppelman explained that the advantage of notification is that it conveys information, and the sign just states that there will be a public hearing. In his opinion, he said, sending notifications is a tremendous advantage.

Ms. Ike reported that she would be in favor of increasing the abutter notification to 500 ft. She explained that she would not notice a posted sign, stating that she reads her mail for information. Ms. Ike said she assumed that, in the future, all notifications could utilize e-mail, thus reducing costs. She said she believed that having something in writing would ensure that residents have been notified, as there is no way to measure whether a posted sign has been seen.

Ms. Scorso noted that she would be in agreement with the 500 ft. increase as well, as there would be more information imparted with the mailing. She said she presumed that the Commission members are in agreement that there should be an increase in notification, though she was unsure how to measure the effectiveness. Ms. Scorso questioned whether there were other ways to achieve the increase in notification; i.e., social media.

Mr. Anderson reported that Staff has begun tweeting the future agenda, and although some people are not on Twitter, if they go to the Planning Department web page, they can see the feed there. The Board of Directors has been very happy with that and receives an e-mail with the future agenda as well, he said.

Mr. Prause commented that he is an advocate of the signs. Whenever there is a large public hearing, he said, residents complain that they have not been notified. His opinion was that concerned residents would drive past the sign and could not complain they did not see it, he said. He stated that he would be in favor of retaining the direct abutters as a good practice.

Ms. Bertotti noted that the practice for most communities is, if posting of public hearing signs is required, it tends to be generally required for all hearings: Planning Commission, Zoning Board, and all of the land use boards.

Mr. Anderson said he presumed that the signs would only be for public hearings.

Mr. Prause responded that, based on the column in Ms. Bertotti's email, he thought the signs would be for all items.

Ms. Bertotti reported that the three responding towns are not requiring signs for every application.

Mr. Prause reiterated that three out of the three neighboring towns that responded utilize signs. Other towns similar to Manchester, such as West Hartford and Middletown, also require signs, he said. He stated that, if the requirement was only for public hearing items, it would not be a burden. In his opinion, the signs are a visual notification to residents near a property that has a public hearing coming up.

Ms. Bertotti explained that, in the column of her email that Mr. Prause had referred to, she was referring to public hearings; if it was not for all of the commissions, she would say “just PZC.”

Mr. Anderson speculated that, if the Commission is undecided, Planning Staff could write a regulation and the Commission could hold a public hearing.

Mr. Prause noted that the issue has been what to put in the draft public hearing regulation language. He asked whether the regulation should state the 500 ft. notification. Mr. Anderson replied that no regulation amendment is needed for the 500 ft. notification, as that could be accomplished internally. Regarding the signs, in particular, the Connecticut State Statute requires that to be part of the regulations, requiring a public hearing, Mr. Anderson said.

Ms. Scorso asked about the reason for not utilizing both notification letters and signs.

Mr. Anderson stated his opinion that it would be overkill to do both. Not all communities do any abutter notifications, he reported, and doing 500 ft. notifications would be significant. He felt that a sign would be significant, he said. Towns that require signs were happy not to send out abutter notifications, he stated, though both could be done.

Mr. Stoppelman stated that the sign is similar to the notice in the newspaper.

Mr. Prause said he assumed most people do not read the public hearing notices in the newspaper and they would be more likely to notice signs.

Mr. Stoppelman said he assumed the sign would state that there would be a public hearing on a certain date for this property.

Mr. Anderson responded that the sign would state what type of application is upcoming.

Ms. Bertotti interjected that the sign would say enough for people to receive some information and people would take notice. Any type of notification generates interest, she remarked, and if a neighbor notices a sign, they would be likely to call the Planning Department for information or ask a neighbor; it generates a level of curiosity.

Ms. Scorso stated that she would be in favor of two modes of notification, and would change her opinion to a sign for the visual piece and a written letter.

Mr. Prause inquired about the number of public hearings per year on average, assuming it would be about 20.

Mr. Anderson agreed to 20.

Ms. Bertotti said she felt 20 would be high.

Mr. Anderson said he was of the opinion there appears to be enough interest to hold a hearing on the subject.

Mr. Prause indicated that times have changed and many people do not receive a newspaper.

Ms. Bertotti stated that the newspaper is the most ineffective notification. She noted that, when posing the questions to surrounding towns, a question was asked whether they could poll who received notification from the paper. A number of towns asked people attending public hearings how they received their notification and approximately 1% obtained notification through the paper, she reported; all others saw a sign or received a letter.

Mr. Prause noted that there is a posting at the Town Clerk's office and there is notification on the web page. He explained that the PZC agendas are not posted far in advance. He cited the decline of newspapers and an overabundance of junk mail received.

Ms. Ike disagreed, stating that many people do check their mail, whether U.S. Mail or social media mail.

Mr. Prause commented that, if it was necessary to choose one, he would choose mail, but if it can be added and is not a burden and not cost prohibitive, it may be worth it for public hearings.

Mr. Anderson stated that Staff will draft a regulation and noted there should be a public hearing on the item.

Ms. Ike noted that the Commission has been holding off on implementing the 500 ft. notification while waiting for a decision on whether to post signs. She said the Commission would have a better answer on whether signs are needed if they had not waited to implement the 500 ft. notification, because then they would have some data and feedback about how that was working. If the Commission implemented the 500 ft. notification now and used it for a year, then they would have the data to back up a decision one way or the other, she said.

Inland Wetlands Permit Approval

Mr. Bordeaux reported that an Inland Wetlands Permit was approved on January 18 for a solar canopy installation at 161 Sanrico Drive for New England Tool Corporation. Referring to the plan attached to his memo, he pointed out the regulated watercourse location. He also explained the outline of the solar canopy, noting that the only regulated activity would be to install the posts that hold the canopy.

Ms. Bertotti informed the Commission that the applicant submitted an application for a variance to allow the solar canopy in the front yard of the property, which was not originally allowed under the old regulations. The regulations were revised as the applicant was going through the variance process, and this was added to the zoning regulations. If the applicant were to submit at this time, there would be the requirement of a special exception from the Commission, she explained. Ms. Bertotti stated that that is why the special exception was not required; they received the variance to locate the solar canopy at the location and only needed an administrative approval by the Wetlands Agency.

Medical Marijuana

Mr. Anderson reported that the Planning Department has received several general inquiries regarding medical marijuana facilities. In doing research, Staff learned that the State is increasing the number of dispensaries and is accepting applications from entities to operate dispensaries. He noted that Staff is not apprised as to how many will be approved by the State. Mr. Anderson noted that there have been calls to the Planning Department as well as the Zoning Enforcement Officer. Staff reviewed how the Commission handled the topic when it first came up seven years ago. Essentially, at that time, the discussion was that these are medical operations that are treated as pharmacies, whether retail or office, in our regulations, he explained. Because there was no application foreseen by the Commission, the decision was to not create a regulation at that time, he stated. Mr. Anderson reported that the deadline for the applications to the State is early April, and Staff is unsure whether there will be applications as there has not been an official zoning compliance letter, noting that at this time the operation would be allowed. He inquired whether that is the current opinion of the Commission, knowing there would not be many regulation changes that could be made before April, if any. Mr. Anderson stated that there is a possibility that it could be defined and removed from the downtown area. He reported that if someone sought a written letter from the Zoning Enforcement Officer, they would have to indicate the location. He explained that one dispensary exists in an adjacent community and the State does look where the need is.

Mr. Prause recollected that the Commission's feeling several years ago was that an operation would be appropriate in an Industrial zone, though nothing was done because there was no application and the Commission did not want to tackle the issue proactively.

Ms. Bertotti explained that there are two types of facilities. There are production facilities, which would be indoor growing in an industrial setting, she stated. Such facilities are capped at a maximum of 10, she noted, and unless the State Statutes change, there can be no more than 10. However, the phone calls have been regarding dispensaries, which are similar to pharmacies, she stated. Ms. Bertotti noted that dispensaries are secure and, in the discussion several years ago, there was a set of medical conditions, age requirements, physician requirements, and patient requirements, led by the State. Some of the changes since that time are that minors have been added under certain conditions and some medical conditions have been added, she reported. To the best of her recollection, Ms. Bertotti said, there used to be a limit on the number of dispensaries in the past, though the Consumer Protection Agency reported that there is no limit on the number of dispensaries. The number of dispensaries will be driven on patient base concentration need, she explained; if there are certain communities have a need for two

dispensaries, there could be two located in one community, or there could be none, depending on the need. Ms. Bertotti noted that the buildings must be secure, signage would be limited to one non-lit 16” x 18” sign, physicians must be fully registered, and it would very highly regulated.

Mr. Prause said he thought the discussion several years ago was about the production facility in an Industrial zone. He asked if Mr. Anderson’s question was whether the Commission wanted to make an amendment to exclude the downtown area.

Mr. Anderson stated that if the Commission were to do one thing, he would suggest excluding the downtown area. There are other uses downtown that are specifically prohibited; i.e., tattoo parlors and clinics as well as others. He noted that is the only area with prohibited uses because they do not comply with the historic nature of the district. He noted that the matter can be done within the timeframe if there are no requests in the next few weeks.

APPROVAL OF MINUTES:

January 17, 2018 – Public Hearing/Business Meeting

MOTION: Mr. Stoppelman moved to approve the minutes as written. Mr. Kidd seconded the motion and all members voted in favor.

February 5, 2018 – Public Hearing/Business Meeting

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

RECEIPT OF NEW APPLICATIONS:

Ms. Bertotti reported that the Commission has disposed of both new applications on the agenda: The Velvet Mills window replacement and the Town of Manchester jurisdictional ruling. She stated that it is likely that the March 5 meeting will be canceled, as there is no business, unless something must be put on the agenda quickly. The March 19 meeting will have the application for Michael and Sally Flynn for changes to the grading of the property at 230 West Middle Turnpike and the text amendment for the PRD zone to address the discussions on the preliminary plan and zone change and what jurisdiction the Commission has when reviewing those.

MOTION: Ms. Ike moved to adjourn the business meeting. Mr. Stoppelman seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 8:30 P.M.

I certify these minutes were adopted on the following date:

March 19, 2018
Date

Eric Prause, Chairman

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