

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
MARCH 19, 2018**

ROLL CALL:

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

Alternate Member Sitting: Patrick Kennedy

Alternates: Julian Stoppelman
Teresa Ike

Absent: Michael Stebe

Also Present: Gary Anderson, Director of Planning
Renata Bertotti, Senior Planner
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 7:20 P.M. The Secretary read the legal notice when the call was made.

NEW BUSINESS

MICHAEL & SALLY FLYNN – Special Exception Modification under Art. II, Sec. 11.02.01 for grading changes to the previously approved plan at 230 West Middle Turnpike. – Special Exception Modification (2018-001)

Mr. Andrew Bushnell, Bushnell & Associates, 563 Woodbridge Street, introduced himself. Mr. Bushnell stated that the property is occupied by Center Motors, a used car and truck sales and repair business. Several months ago, a site plan review was approved for the addition of an accessory structure on the property, he said. He explained that, at the previous meeting, there was confusion as to the layout. Mr. Flynn inadvertently submitted a plan to the Commission that was not the revised plan, Mr. Bushnell explained. The plan presented to the Commission at its meeting depicted different grading, he said, because Mr. Bushnell did not realize that the plan before the Commission was different. He reiterated that there has been confusion about the grading and the applicant is before the Commission to accurately depict the site plan.

Mr. Bushnell reported that the building remains the same as approved and noted that the construction has begun. He described the property and explained the need to cut back the bank behind the proposed building and regrade. A site plan depicting the proposed grading was

displayed, which Mr. Bushnell described, noting that the grading will be similar to the existing. He explained that there will be an additional step, turf enforcement blankets, which are mesh grids with straw that are bio- and photo-degradable and will hold the straw on the hill while vegetation is being established. The blankets last for approximately two years before the sun degrades the mesh netting and the straw decomposes, he said. There will also be silt fences, he stated, and he illustrated the plan for the slope during and after construction. Mr. Bushnell noted concerns about trees on the bank and the stability when the bank is cut back, noting that any tree that has been compromised will be removed.

Mr. Prause noted that, currently, the concrete pad has been poured and the outside frame of the building is up. He questioned what other improvements have been made thus far.

Mr. Bushnell reported that is where the construction stands. He noted there is a temporary concrete wall to hold the bank back during the building construction. At completion, he explained, the temporary wall will be removed and the area regraded.

Mr. Prause questioned whether the electrical has been run, to which Mr. Bushnell reported that it has not. The issue between the two plans, he commented, is that the existing contour lines are correct.

Mr. Bushnell explained that the original plan submitted and approved depicted an 8-10 ft. wall in the back of the building and there was less grading. However, upon review, that plan was not feasible with the building layout. He explained that a block wall was not feasible due to the amount of sand in the bank.

Mr. Prause inquired whether Mr. Bushnell was referring to the load behind the wall or the sill underneath.

Mr. Bushnell noted that he was referring to both underneath and the load behind the wall.

Mr. Prause commented that, instead of the originally-proposed wall being partially imbedded in the bank, essentially the area around it will be brought down to grade, with which Mr. Bushnell agreed. Mr. Prause questioned whether the issue was an error on the type of material to be held by the retaining wall, or if the plan of the building was incorrect.

Mr. Bushnell explained that the plan of the building did not come together and the correct plan did not get submitted.

Mr. Prause sought clarification about the correct plan not being submitted.

Mr. Bushnell noted that there was a plan depicting grading that was similar to the current plan. There were revisions required, he explained, and Mr. Flynn revised the plans himself, had the plans copied, and submitted them to the Planning Department. Mr. Bushnell reported that, simultaneously, he was making the revisions and changing the grading behind the building in an attempt to eliminate the wall. Unbeknownst to him, Mr. Flynn submitted the incorrect plans, he said.

Mr. Prause surmised that the plans were not stamped.

Mr. Bushnell explained that the plans were stamped, but not live-stamped plans.

Mr. Prause asked if there will be a broader impact to the steeper grade.

Mr. Bushnell stated that the grade will be similar to the grade behind the shed. He noted that the bank has been cut back three times for the initial parking expansion, for a second parking expansion, and for the shed installation. At this time, he reminded the Commission, there will be an additional step of installing the erosion blankets for the stabilization process.

Ms. Bertotti said Mr. Bordeaux had a minor comment, which can be addressed on the final plans. The plans show a rain garden, which is not there and must be removed from the plans, she reported. The Town's Engineering Department reviewed the plans and asked the applicant to verify that the slope will not be compromised, especially because the building on the adjacent property is on the property line, she explained. The applicant responded, stating that the slope will not be compromised, Ms. Bertotti reported, if the contractor on site utilizes normal methods of oversight during construction. She read from the memo: "Typical standard of care is employed by the owner and contractor doing the construction."

In Ms. Bertotti's opinion, she said, it would be prudent for the Commission requests that applicant enters something to that effect in the record, i.e., what the measures would be, to ensure that the property owners are aware of the measures and that they will be held to such standards.

Mr. Kennedy inquired whether Ms. Bertotti is suggesting a specific condition or modification of approval be included in the motion.

Ms. Bertotti suggested something along those lines could be put in, either as a condition of the approval or statement in the record at this meeting. The applicant's agent should describe what entails the "standard of care", with one of the property owners being present at this meeting, so that it is understood and that there is an agreement, whether it is verbal or in writing. Mr. Kennedy requested that Mr. Bushnell detail what steps are envisioned to ensure a typical standard of care.

Mr. Bushnell noted that, on this site, the biggest concern is the erosion and sediment control, as well as the construction sequence. He recommended that the grading work be performed during a dry weather spell; installing the silt fence shown; and maintaining it as outlined on the erosion and sediment control, i.e., inspecting and repairing it after rain storms and installing a double row if there is buildup. He detailed the preferable sequence of grading, and recommended that, as soon as it is complete, they lay down top soil and install the erosion control blankets. He noted that time is of the essence. Mr. Bushnell commented that, as the grass grows, there may be further care given to ensure it grows well.

Mr. Kennedy asked Ms. Bertotti if it would be sufficient if there was a condition that the work be performed in accordance with the specific representations and methodology made by the applicant's engineer.

Ms. Bertotti responded that would be sufficient. She stated that there are erosion and sediment control notes on the plan. Part of her concern, she explained, is that the site did not need a certification of the erosion control plan.

Mr. Prause inquired whether it would be helpful to have the Environmental Planner review the completed work.

Ms. Bertotti explained that there are site inspections regularly, whether ordered by the Commission or not.

Special Exception Modification (2018-001)

MOTION: Mr. Kennedy moved to approve the Special Exception Modification to change the plans approved by the Commission on September 18, 2017, with regards to grading, with the modifications as specified in Staff memoranda from:

1. Matthew R. Bordeaux, Environmental Planner, dated March 13, 2018, to Renata Bertotti, Senior Planner.

and with the condition that the applicant perform the work in accordance with the recommendations and representations made by their engineer at the March 19, 2018 Planning and Zoning Commission meeting and also in accordance with the erosion and sedimentation notes on the plans.

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 – To revise Art. II, Sec. 7 (Planned Residential Development Zone) to add procedures for major changes to approved plans in a PRD zone and for the revocation of a PRD zone when its associated Preliminary Plan expires and construction has not begun. – Zoning Regulation Amendment (2018-009)

Mr. Kennedy commented that he agrees with the revocation provision, as it will establish clear zoning for PRDs not built on.

Mr. Bergin asked if all the plans would be required to be submitted when the plan expires and the applicant seeks an extension.

Ms. Bertotti responded that, if the plan expires. A new application would need to be submitted in that case. If an applicant would like an extension, they are required to file a request for extension before the plan expires.

Mr. Prause said he agreed with Mr. Kennedy. Since this is a floating zone, when it expires, it would make sense to revert back to the previous zone, he explained. He stated that he does not have an issue with the regulation as proposed.

Zoning Regulation Amendment (2018-009)

MOTION: Mr. Kennedy moved to approve the zoning regulation amendment (2018-009) for revisions to Art. II, Sec. 7 (Planned Residential Development Zone) to add procedures for major changes to approved plans in a PRD zone and for the revocation of a PRD zone when its associated Preliminary Plan expires and construction has not begun.

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

The reason for the approval is that the proposed amendment is consistent with the Plan of Conservation and Development.

The zoning regulation amendment will be effective on April 5, 2018.

ADMINISTRATIVE REPORTS:

Ms. Bertotti stated that the Town received a letter addressed to the Planning and Zoning Commission from the Connecticut Department of Transportation (CT DOT). The letter is a notification of the Department of Energy and Environmental Protection's (DEEP's) project in Bolton, approximately one mile from Manchester. Essentially, it involves drainage work for a project that addresses drainage improvements along the Charter Oak Greenway, she informed the Commission. Ms. Bertotti explained that there is an existing unnamed intermittent water course traveling north with a drainage area of approximately 100 acres, which travels under I-384. The water course eventually discharges into Bolton Notch Pond, she reported. The channel has experienced severe scour and erosion, she stated, as well as sediment deposition, and is in need of maintenance. Ms. Bertotti reported that the activities conducted are associated with but independent of the ongoing Charter Oak Greenway. She explained that the Charter Oak Greenway was previously permitted, and is now permitted subsequently because they discovered the drainage was not designed correctly. The proposed work will stabilize and re-establish the existing channel by relining it with rip-rap, Ms. Bertotti stated, and the work is necessary to prevent further erosion of the channel and prevent discharge of sediment into Bolton Notch Pond. The Commission does not need to take action and has no jurisdiction; this is a required notification on the part of the DOT, according to Ms. Bertotti.

APPROVAL OF MINUTES:

February 21, 2018 – Business meeting

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

RECEIPT OF NEW APPLICATIONS:

1. **WOODBRIIDGE MILLS, LLC - Zoning Regulation Amendment (2018-014)** – To revise Art. II, Sec. 22.04 to add multi-family historic mill conversion in accordance with the requirements of Art. II, Sec. 9.14.03 as a special exception use in the Special Design Commercial Business Zone.
2. **HILLIARD MILLS LLC – Inland Wetlands Permit (2018-015); Special Exception (2018-016); Erosion and Sedimentation Control Plan (2018-017); Special Exception Modification (2018-018); Flood Plain Permit (2018-019)** – For parking area expansion and renovation of Building 4 into an event center at 640 and 642 Hilliard Street and 370 Adams Street.
3. **TOWN OF MANCHESTER PUBLIC WORKS DEPARTMENT – Erosion and Sedimentation Control Plan (2018-022)** – Modification to the previously approved Erosion & Sedimentation Control Plan approved on May 1, 2017, to address minor changes in the proposed footprint of the southern Lincoln Center parking lot at 494 Main Street, 41 Center Street, 99 Edgerton Street, and 35 Center Street.

4. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – Zoning Regulation Amendment (2018-023)** – To revise Art. I, Sec. 3.04.02.04(F) and Art. I, Sec. 4.08 to add procedures for minor modifications to a previously certified Erosion and Sediment Control Plan.
5. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – Zoning Regulation Amendment (2018-024)** – To add a new section, Art. I, Sec. 5, provisions for the posting of public hearing signs when public hearings are required.

Mr. Prause questioned whether there have been steps taken regarding temporary health care structures.

Ms. Bertotti stated that she was not under the impression that the Commission was waiting for feedback. At the last workshop, she said, the Planning Department was instructed to write a letter to the legislature, and she explained that she submitted that letter. She has not seen any change proposed, but reported that she will ascertain if there is any movement on that topic.

Mr. Prause concurred, stating that the PZC was waiting for clarification on the law.

Mr. Anderson noted that, in the event that the issue is brought up, Planning will provide a report.

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

The Chairman closed the business meeting at 7:58 P.M.

I certify these minutes were adopted on the following date:

April 2, 2018

_____ Date

_____ Eric Prause, Chairman

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